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## United States Department of Agriculture.

### SERVICE AND REGULATORY ANNOUNCEMENTS.

#### BUREAU OF CHEMISTRY.

#### SUPPLEMENT.

N. J. 11301-11350.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., June 14, 1923.]

#### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**11301. Adulteration of shell eggs. U. S. v. Collins Produce Co., a Corporation. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 16400. I. S. No. 6949-t.)**

On June 27, 1922, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Collins Produce Co., a corporation, Flora, Ill., alleging shipment by said company in violation of the Food and Drugs Act, on or about August 12, 1921, from the State of Illinois into the State of New York, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 5 half cases from the consignment showed that 95, or 10.5 per cent of those examined, were inedible eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On October 6, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10 and costs.

*C. W. PUGSLEY, Acting Secretary of Agriculture.*

**11302. Adulteration of chloroform. U. S. v. 12 Tins and 16 Tins of Chloroform. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16638, 16660. S. Nos. E-4059, E-4060.)**

On or about July 19 and 28, 1922, respectively, the United States attorney for the Eastern District of North Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 28 tins of chloroform, remaining in the original unbroken packages in part at Southport and in part at Wendell, N. C., alleging that the article had been shipped from New York, N. Y., in part on or about March 13 and in part on or about April 13, 1922, and transported from the State of New York into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform for Anesthesia."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was turbid, that upon evaporation it left a foreign odor, and that it contained hydrochloric acid, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libels for the reason that it was sold under and by a name recognized in the United States Pharma-

copœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of examination.

On November 10 and December 15, 1922, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11303. Adulteration and misbranding of salad oil. U. S. v. 111 Cartons of Salad Oil. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16671. I. S. No. 7114-t. S. No. E-4072.)**

On or about August 3, 1922, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 111 cartons of salad oil at Brooklyn, N. Y., alleging that the article had been shipped by the Capitol Refining Co., Rosslyn, Va., on or about June 23, 1922, and transported from the State of Virginia into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "High Grade Medaglia D'Oro Brand \* \* \* Vegetable Salad Oil More Practical Than Olive Oil A Compound Contents 1 Gallon \* \* \* Packed by B. Mayer New York."

It was alleged in substance in the libel that the article was in violation of paragraphs first and second of section 7 of the said Food and Drugs Act, in that an oil or oils other than olive oil had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements, "High Grade Medaglia D'Oro Brand Re d'Italia" and "Contents 1 Gallon," together with designs of medal apparently of foreign origin, an Italian soldier on horseback in foreground, also conventional design of olive branches with background showing Italian scene, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, for the further reason that it purported to be a foreign product when not so, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 11, 1922, Benjamin Mayer, New York, N. Y., claimant, having admitted the allegations of the libel and consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$700, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11304. Adulteration and misbranding of evaporated milk. U. S. v. 4 Cases of Alleged Evaporated Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16690. I. S. No. 126-v. S. No. E-4084.)**

On August 1, 1922, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 cases of alleged evaporated milk, remaining in the original unbroken packages at Swiftwater, Pa., alleging that the article had been shipped by the Rogers Milk Corp., Boonville, N. Y., on or about February 14, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Sunbeam Pure Food Unsweetened Evaporated Milk Contents 1 Lb.=454 Grams."

Adulteration of the article was alleged in the libel for the reason that foreign fat had been mixed and packed therewith so as to reduce or lower or injuriously affect its quality or strength and had been substituted wholly or in part for the said article, to wit, evaporated milk. Adulteration was alleged for the further reason that a valuable constituent, to wit, butterfat, had been wholly or in part abstracted from the said article.

Misbranding was alleged for the reason that the statements in the labeling, "Sunbeam Pure Food Unsweetened Evaporated Milk Contents 108 [1 Lb.] =



454 Grams \* \* \* Directions \* \* \* a resulting milk product will be obtained which will not be below the legal standard for whole milk \* \* \* the highest possible quality," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of each package.

On January 16, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11305. Adulteration of eggs. U. S. v. 73 Cases of Eggs. Default entered. Product ordered destroyed.** (F. & D. No. 16877. I. S. No. 5452-v. S. No. C-3821.)

On September 26, 1922, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 73 cases of eggs, remaining in the original unbroken packages at Minneapolis, Minn., alleging that the article had been shipped by the Drake Farmers Store, Drake, N. Dak., on or about September 7, 1922, and transported from the State of North Dakota into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed animal substance.

On October 26, 1922, no claimant having appeared for the property, and it being made to appear by affidavit filed that the product was wholly decayed and unfit for consumption as food, it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11306. Adulteration and misbranding of butter. U. S. v. 1 Box of Butter. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16921. I. S. No. 1650-v. S. No. E-4218.)

On November 13, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 1 box of butter at Boston, Mass., alleging that the article had been shipped by the Independence Produce Co., Independence, Iowa, on or about October 16, 1922, and transported from the State of Iowa into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Cold Storage Cedar Valley Creamery Co. Waterloo, Iowa."

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, butter.

On January 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. The product was delivered by the marshal to a public institution for use in cooking.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11307. Adulteration of eggs. U. S. v. 42 Cases of Eggs. Default entered. Product ordered destroyed.** (F. & D. No. 17010. I. S. No. 5486-v. S. No. C-3840.)

On November 16, 1922, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 42 cases of eggs, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by William Bunting & Sons, Albee, S. Dak., on or about October 5, 1922, and transported from the

State of South Dakota into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed animal substance.

On January 9, 1923, no claimant having appeared for the property, and the United States attorney having made affidavit that the product was wholly decayed and unfit for consumption as food, it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11308. Adulteration and misbranding of canned oysters. U. S. v. 85 Cases and 201 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17034. I. S. No. 8109-v. S. No. W-1256.)**

On December 13, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 85 cases and 201 cases of oysters, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Dunbars, Lopez & Dukate Co., New Orleans, La., about August 15, 1922, and transported from the State of Louisiana into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Pointer Brand Cove Oysters Packed by Dunbars, Lopez & Dukate Co., New Orleans, La.= Biloxi, Miss. Serial No. A 1446 Guaranteed by the Packers under the Food and Drugs Act, June 30, 1906 Net Contents 10 Oz. Oyster Meat." The remainder of the said article was labeled in part: (Case) "10 Oz. 2 Doz."

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement, "Net Contents 10 Oz. Oyster Meat," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 9, 1923, J. H. Newbauer & Co., San Francisco, Calif., having entered an appearance as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of said act, under the supervision and to the satisfaction of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11309. Adulteration of eggs. U. S. v. 5 Cases of Eggs. Default entered. Product ordered destroyed. (F. & D. No. 17041. I. S. No. 5488-v. S. No. C-3843.)**

On November 21, 1922, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases of eggs, remaining in the original unbroken packages at St. Paul, Minn., alleging that the article had been shipped by I. Turnoy, Chaseley, N. Dak., on or about November 7, 1922, and transported from the State of North Dakota into the State of Minnesota, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a decomposed animal substance.

On December 27, 1922, no claimant having appeared for the property, and the United States attorney having made affidavit that the product was wholly decayed and unfit for consumption as food, it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11310. Misbranding of hog feed. U. S. v. Alfocorn Milling Co., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 13087. I. S. No. 24634-r.)**

On October 25, 1920, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the Dis-



trict Court of the United States for said district an information against the Alfocorn Milling Co., a corporation, trading at East St. Louis, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 2, 1919, from the State of Illinois into the State of Indiana, of a quantity of hog feed which was misbranded. The article was labeled in part: "Alfocorn Milling Company, of St. Louis, Mo., Guarantees this Alfocorn Hog Lasses Feed to contain not less than 5.0 per cent. of crude fat, 16.0 per cent. of crude protein, not more than 9.0 per cent of crude fiber."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 3.67 per cent of fat, 9.27 per cent of crude fiber, and 14.69 per cent of protein.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Alfocorn Milling Company \* \* \* Guarantees this \* \* \* Feed to contain not less than 5.0 per cent. of crude fat, 16.0 per cent. of crude protein, not more than 9.0 per cent. of crude fiber," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article contained not less than 5 per cent of crude fat, not less than 16 per cent of crude protein, and not more than 9 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 5 per cent of crude fat, not less than 16 per cent of crude protein, and not more than 9 per cent of crude fiber, whereas, in truth and in fact, it did contain less than 5 per cent of crude fat, less than 16 per cent of crude protein, and more than 9 per cent of crude fiber, to wit, 3.67 per cent of crude fat, 14.69 per cent of crude protein, and 9.27 per cent of crude fiber.

On December 12, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11311. Misbranding of olive oil. U. S. v. 29 Gallon Cans, et al., of Olive Oil. Default decrees of condemnation, forfeiture, and sale.** (F. & D. Nos. 15487, 15550, 15551, 15552, 15553, 15629. I. S. Nos. 11158-t, 11159-t, 11167-t, 11168-t, 11169-t, 11170-t, 11171-t, 11172-t, 11173-t, 13884-t. S. Nos. W-1016, W-1026, W-1027, W-1028, W-1029, W-1033.)

On November 14, 15, and 23, 1921, respectively, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 29 gallon cans, 88 half-gallon cans, and 103 quart cans of olive oil, remaining unsold in the original unbroken packages in various lots at Denver, Walsenburg, and Pueblo, Colo., respectively, consigned by Deligiannis Bros., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., between the dates of April 5 and October 13, 1921, and transported from the State of Illinois into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Net Contents One Gallon" (or "Two Quarts" or "One Quart") "\* \* \* Pure Olive Oil Universal Brand Deligiannis Bros. Chicago, U. S. A."

Misbranding of the article was alleged in the libels for the reason that the statement on each of the gallon cans, to wit, "Net Contents One Gallon," the statement on each of the half-gallon cans, to wit, "Net Contents Two Quarts," and the statement on each of the quart cans, to wit, "Net Contents One Quart," were false and misleading and deceived and misled the purchaser for the reason that the net contents of each of the said cans was less than one gallon, one-half gallon, or one quart, as the case might be. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On January 26, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be relabeled so as to show the correct contents of the said cans and that it be sold by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11312. Misbranding of olive oil. U. S. v. 16 Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 15545. I. S. No. 11174-t. S. No. W-1025.)

On November 15, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 16 cans of olive oil, remaining unsold in the original unbroken packages at Trinidad, Colo., consigned by A. Russo & Co., Chicago, Ill., alleging that the article had been shipped from Chicago, Ill., on or about May 13, 1921, and transported from the State of Illinois into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "One Quart Net Marca Diana Brand Superfine Olive Oil of Guaranteed Purity For Medicinal And Table Use."

It was alleged in substance in the libel that the article was misbranded in that the statement, to wit, "One Quart Net," appearing on each of the cans containing the said article, was false and misleading and deceived and misled the purchaser for the reason that the net contents of each of said cans was less than 1 quart net. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On January 26, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled so as to show the correct quantity of contents of the said cans, and sold by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11313. Adulteration and misbranding of macaroni and noodles. U. S. v. Ascenzio Fuschino (A. Fuschino Mercantile & Importing Co.). Plea of guilty. Fine, \$50 and costs.** (F. & D. No. 15844. I. S. Nos. 10764-t, 10765-t, 10766-t.)

On March 24, 1922, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ascenzio Fuschino, trading as A. Fuschino Mercantile & Importing Co., Pueblo, Colo., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about November 18, 1920, from the State of Colorado into the State of Utah, of quantities of macaroni and noodles which were adulterated and misbranded. The articles were labeled in part, respectively: "Perfezionata Fabbrica di Paste \* \* \* Manufactured By A. Fuschino, Pueblo, Colo. Guaranteed under the Food & Drugs Act June 30th 1906 Serial No. 17618 Macaroni Egg Style;" "King's Taste Noodles Extra Fine Quality Manufactured by The Pueblo Macaroni Mfg. Co. \* \* \* Pueblo, Colo. \* \* \* Guaranteed by us under the Pure Food and Drugs Act;" "A. F. Brand Twisted Noodles Extra Fine Quality \* \* \* Manufactured By Pueblo Macaroni Factory A. Fuschino Pueblo, Colo."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they were alimentary pastes, artificially colored, containing little or no egg.

Adulteration of the articles was alleged in the information for the reason that an alimentary paste which contained little or no egg had been substituted for macaroni, egg style, or noodles, as the case might be, which the said articles purported to be. Adulteration was alleged for the further reason that the said articles were products inferior to macaroni, egg style, or noodles, as the case might be, to wit, alimentary pastes which contained little or no egg, and said products were colored so as to simulate the appearance of macaroni, egg style, or noodles, as the case might be, and in a manner whereby their inferiority to said products was concealed.

Misbranding was alleged in substance for the reason that the statements, to wit, "Qualita Insuperabile," "Guaranteed under the Food & Drugs Act June 30th 1906," and "Macaroni Egg Style," borne on the labeling of the macaroni, the statements, to wit, "Noodles Extra Fine" and "Guaranteed by us under the Pure Food and Drugs Act, June 30, 1906," borne on the labeling of a portion of the noodles, and the statement, "Noodles Extra Fine Quality," borne on the labeling of the remainder of the said noodles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the articles were high grade macaroni, egg style, or extra fine noodles, or noodles of extra fine quality,



as the case might be, and that the macaroni and a portion of the noodles conformed to the Food and Drugs Act of June 30, 1906, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said articles were high grade macaroni, egg style, or extra fine noodles, or noodles of extra fine quality, as the case might be, and that the said macaroni and a portion of the said noodles conformed to the Food and Drugs Act of June 30, 1906, whereas, in truth and in fact, said articles were not high grade macaroni, egg style, or extra fine noodles, or noodles of extra fine quality, as the case might be, but were artificially colored alimentary pastes which contained little or no egg, and the said macaroni and the said portion of the noodles did not conform to the Food and Drugs Act of June 30, 1906. Misbranding was alleged with respect to the noodles for the further reason that it was an artificially colored alimentary paste which contained little or no egg, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, noodles. Misbranding was alleged with respect to the macaroni and a portion of the noodles for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 26, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11314. Misbranding of olive oil. U. S. v. 30 Half-Gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 16085. I. S. No. 13913-t. S. No. W-1066.)

On April 10, 1922, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 half-gallon cans of olive oil, remaining unsold in the original unbroken packages at Pueblo, Colo., consigned by Lekas & Drivas, New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about October 19, 1921, and transported from the State of New York into the State of Colorado, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Net Contents  $\frac{1}{2}$  Gall. \* \* \* Pure Olive Oil \* \* \* Lekas & Drivas New York U. S. A."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Net Contents  $\frac{1}{2}$  Gall.," appearing on the said cans, was false and misleading and deceived and misled the purchaser for the reason that the net contents of each of the said cans was less than one-half gallon. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 26, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled so as to show the correct quantity of contents of the said cans, and sold by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11315. Misbranding of horse and mule feed. U. S. v. Alfocorn Milling Co., a Corporation. Pleas of guilty. Fine, \$150 and costs.** (F. & D. Nos. 15265, 16401. I. S. Nos. 11171-r, 13314-t, 18402-t, 18405-t.)

On December 3, 1921, and July 22, 1922, respectively, the United States attorney for the Eastern District of Illinois, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the Alfocorn Milling Co., a corporation, trading at East St. Louis, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, from the State of Illinois, in various consignments, namely, on or about March 27, 1920, into the State of Tennessee, on or about August 6, 1921, into the State of Mississippi, and on or about January 5 and 6, 1922, respectively, into the State of Arkansas, of quantities of horse and mule feed which was misbranded. The article was labeled in part: "100 Pounds Happy Mule Horse & Mule Feed" (or "High Jump Mule Feed" or "\* \* \* High Kick Horse & Mule Feed") "Manufactured by Alfocorn Milling Company East St. Louis, Ill. Guaranteed average analysis Protein 9.00% Fat 1.50% Carbohydrates 50.00% Fibre 15.00%."

Analyses by the Bureau of Chemistry of this department of a sample from each of the four consignments showed that the said article contained less



than 9 per cent of protein, namely, 7.12, 7.98, 8.01, and 6.97 per cent, respectively.

Misbranding of the article was alleged in the information for the reason that the statements, "Guaranteed average analysis Protein 9.00%" or "Protein 9.00%," as the case might be, borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that said article contained not less than 9 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 9 per cent of protein, whereas, in truth and in fact, said article did contain less than 9 per cent of protein.

On December 12, 1922, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate sum of \$150 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11316. Adulteration and misbranding of cottonseed oil and misbranding of olive oil. U. S. v. John Courumalis and John Pappaianou (Courumalis & Co.). Pleas of guilty. Fine, \$100. (F. & D. No. 16562. I. S. Nos. 6227-t, 6713-t, 6935-t, 6936-t, 7006-t, 7007-t, 7008-t.)**

At the February, 1923, term of the United States District Court within and for the Southern District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against John Courumalis and John Pappaianou, copartners, trading as Courumalis & Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, between the dates of May 13 and June 15, 1921, from the State of New York in various consignments, in part into the State of New Jersey and in part into the State of Connecticut, of quantities of cottonseed oil which was adulterated and misbranded, and of quantities of olive oil which was misbranded. The cottonseed oil was labeled in part: "La Bella Fiume Brand Prodotto Garantito Olio Per Insalata Sopraffino \* \* \* Net Contents 1 Gallon" (or "One Quart"). The olive oil was labeled in part: "Extra Sublime Pure Olive Oil \* \* \* Valore Brand \* \* \* Contents 1 Gallon" (or "One Quart").

Analysis of a sample of the La Bella Fiume brand oil by the Bureau of Chemistry of this department showed that it consisted of cottonseed oil. Examination by said bureau of samples from the various-sized cans of both of the respective products showed that the said cans contained less of the said products than declared on the labels.

Adulteration of the La Bella Fiume brand oil was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been substituted in whole or in part for, to wit, olive oil, which the said article purported to be.

Misbranding was alleged for the reason that the statements in large type, to wit, "La Bella Fiume \* \* \* Prodotto Garantito Olio Per Insalata Sopraffino \* \* \* Valore Olive Oil Co.," not corrected by the statement in smaller type, "Vegetable Oils Slightly Flavored With Pure Olive Oil," the statements, to wit, "Net Contents 1 Gallon" or "Net Contents One Quart," as the case might be, together with the design and device of a picture of a European town, to wit, Fiume, borne on the cans containing the said La Bella Fiume brand oil, and the statements, to wit, "Contents 1 Gallon" or "Contents One Quart," as the case might be, borne on the cans containing the said olive oil, were false and misleading in that the said statements represented that the said La Bella Fiume brand oil was, to wit, olive oil, that it was a foreign product, to wit, an olive oil produced in Europe, and that each of the cans containing the respective articles contained 1 gallon or 1 quart thereof, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said La Bella Fiume brand oil was olive oil, that it was a foreign product, to wit, an olive oil produced in Europe, and that each of the said cans containing the respective articles contained 1 gallon or 1 quart thereof, as the case might be, whereas, in truth and in fact, the said La Bella Fiume oil was not, to wit, olive oil, but was a product which consisted in whole or in very large part of cottonseed oil, it was not a foreign product, to wit, an olive oil produced in Europe but was a domestic product, to wit, an oil produced in the United States of America, and each of the cans containing the respective articles did not contain 1 gallon or 1 quart of the said articles, as the case might be, but did contain a less amount. Misbranding was alleged with respect to the said

La Bella Fiume brand oil for the further reason that the statements, design, and device borne on the said cans purported said article to be a foreign product when not so. Misbranding was alleged with respect to both products for the further reason that they were food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On February 28, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11317. Misbranding of potatoes. U. S. v. Clarence A. Powers and Edward Edmunds, Jr. (C. A. Powers & Co.). Pleas of nolo contendere. Fine, \$25.** (F. & D. No. 16839. I. S. No. 8222-t.)

On February 6, 1923, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Clarence A. Powers and Edward Edmunds, Jr., copartners, trading as C. A. Powers & Co., Fort Fairfield, Me., alleging shipment by said defendants, on or about November 9, 1921, in violation of the Food and Drugs Act, as amended, from the State of Maine into the State of New Jersey, of a quantity of potatoes which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 13, 1923, the defendants entered pleas of nolo contendere to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11318. Adulteration and misbranding of flour. U. S. v. 660 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17080. I. S. No. 8136-v. S. No. W-1266.)

On December 23, 1922, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 660 sacks of flour at Reno, Nev., alleging that the article had been shipped by the Kansas Milling Co., Wichita, Kans., on or about November 17, 1922, and transported from the State of Kansas into the State of Nevada, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Rose of Kansas Flour Highest Patent Kansas Milling Co. Address Wichita, Kansas. Bleached 98 Lbs. Net \* \* \* When Packed."

Adulteration of the article was alleged in the libel for the reason that a quantity of water had been mixed and packed with and substituted wholly or in part for flour.

Misbranding was alleged for the reason that the statement, "98 Lbs.," appearing on the labels of the sacks containing the article, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 4, 1923, the Purity French Bakery, Reno, Nev., having entered an appearance as claimant for the property, decree of the court was entered adjudging that the Government had established the allegations of the libel, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,500, in conformity with section 10 of the act, conditioned in part that the said product be reconditioned so as to comply with the requirements of the said act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11319. Adulteration and misbranding of butter. U. S. v. 11 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17188. I. S. No. 8113-v. S. No. W-1288.)

On January 18, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and thereafter an amended libel, praying the seizure and condemnation of 11 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging



that the article had been shipped by Swift & Co., from Portland, Oreg., January 12, 1923, and transported from the State of Oregon into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Swift & Co. Reworked."

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that a valuable constituent, butterfat, had been wholly or in part abstracted therefrom.

Misbranding was alleged for the reason that the statement, "Butter," was false and misleading and deceived and misled the purchaser.

On January 30, 1923, Swift & Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$325, in conformity with section 10 of the act, conditioned in part that it be made to conform with the provisions of the said act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11320. Misbranding of Lukosine. U. S. v. 31 Packages of Lukosine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15085. S. No. C-2909.)**

On June 21, 1921, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 31 packages of Lukosine, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the National Drug Co., Philadelphia, Pa., on or about May 24, 1921, and transported from the State of Pennsylvania into the State of Louisiana, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a powder containing approximately 80 per cent of boric acid and small proportions of zinc sulphate, alum, and a salicylate, and traces of alkaloid, phenol, thymol, and menthol, colored pink.

Misbranding of the article was alleged in the libel for the reason that the following statements regarding its curative and therapeutic effect, appearing on the label of the said article, "Indications Gonorrhea, Leucorrhea \* \* \* Inflammation of Mucous Membranes, Catarrh, Ulcers, Etc.," were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On January 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11321. Adulteration and misbranding of canned tomatoes. U. S. v. D. E. Foote & Co., Inc., a Corporation. Plea of nolo contendere. Fine, \$25 and costs. (F. & D. No. 16571. I. S. Nos. 7912-t, 7914-t, 8509-t, 9310-t, 9317-t.)**

On December 20, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against D. E. Foote & Co., Inc., a corporation, trading at Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, from the State of Maryland, in various consignments, namely, on or about August 19, 1921, into the State of Virginia, on or about September 3 and 12, 1921, respectively, into the State of Pennsylvania, and on or about September 9, 1921, into the State of Georgia, of quantities of canned tomatoes which were adulterated and misbranded. The article was labeled variously, in part: "Tomatoes Packed By D. E. Foote & Co. Inc. Baltimore, Md. \* \* \* 'Fox Brand';" "Foote's Best Brand \* \* \* Tomatoes \* \* \* Packed By D. E. Foote & Co.;" "Compass Brand Tomatoes \* \* \* Packed by D. E. Foote & Co. Inc."

Analyses of samples of the article by the Bureau of Chemistry of this department indicated that water and purée, pulp, or juice from skins and cores had been added to the said article.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, water and purée, pulp, and juice from skins

and cores, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for a product made from whole tomatoes, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Tomatoes," together with the design and device of a ripe tomato, borne on the cans containing the said article, regarding the article and the ingredients and substance contained therein, were false and misleading in that they represented that the article was a product derived from whole tomatoes, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was a product composed of whole tomatoes, whereas, in truth and in fact, it was not a product composed of whole tomatoes but was a mixture composed in part of water and purée, pulp, and juice from skins and cores of tomatoes. Misbranding was alleged for the further reason that the article was a mixture composed in part of water and purée, pulp, and juice from skins and cores of tomatoes, prepared in imitation of a product composed of whole tomatoes, and was offered for sale and sold under the distinctive name of another article, to wit, tomatoes.

On December 20, 1922, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11322. Adulteration and misbranding of olive oil. U. S. v. John Courumalis and John Pappaianou (Courumalis & Co.). Pleas of guilty. Fine, \$200. (F. & D. No. 16933. I. S. No. 15361-t.)**

At the February, 1923, term of the United States District Court within and for the Southern District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against John Courumalis and John Pappaianou, copartners, trading as Courumalis & Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about March 15, 1922, from the State of New York into the State of Connecticut, of a quantity of alleged olive oil which was adulterated and misbranded. The article was labeled in part: "La Bella Fiume Brand Prodotto Garantito Olio Per Insalata Sopraffino \* \* \* Packed By Valore Olive Oil Co. New York Net Contents One Quart."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted chiefly, if not entirely, of oils other than olive oil, and that the said cans contained less than 1 quart of the said article.

Adulteration of the article was alleged in the information for the reason that an oil or oils other than olive oil had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength and had been substituted in part for, to wit, olive oil, which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "La Bella Fiume Brand Prodotto Garantito Olio Per Insalata Sopraffino" and "Net Contents One Quart," not corrected by the statement in small type, "Vegetable Oils Slightly Flavored With Pure Olive Oil," together with the design and device of Fiume, a town in Europe, borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article was, to wit, olive oil, that it was a foreign product, to wit, an olive oil produced in Europe, and that each of the said cans contained 1 quart net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was, to wit, olive oil, that it was a foreign product, and that each of said cans contained 1 quart net of the said article, whereas, in truth and in fact, it was not, to wit, olive oil, but was a mixture composed in large part of an oil or oils other than olive oil, it was not a foreign product but was a domestic product, to wit, an article produced in the United States of America, and each of said cans did not contain 1 quart net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 28, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**11323. Misbranding of pickles. U. S. v. 7 Cases of Pickles. Consent decree providing for release of product under bond. (F. & D. No. 17037. I. S. No. 8089-v. S. No. W-1255.)**

On December 14, 1922, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 7 cases of pickles at Reno, Nev., alleging that the article had been shipped by the California Conserving Co., Oakland, Calif., on or about May 8, 1920, and transported from the State of California into the State of Nevada, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "The California Home Brand Sweet Mixed Pickles \* \* \* Total Contents 13 Oz. Drained Contents 9 Oz. \* \* \* Guaranteed by California Conserving Co."

Misbranding of the article was alleged in substance in the libel for the reason that the statement appearing on the said cans that the total contents of each can was 13 ounces and that the drained contents of each can was 9 ounces was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 23, 1923, the California Conserving Co., Oakland, Calif., having entered an appearance as claimant for the property and having admitted the allegations of the libel, judgment of the court was entered finding that the facts alleged in the libel of condemnation had been established, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be reconditioned or relabeled so as to comply with the requirements of the said act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11324. Misbranding of vinegar. U. S. v. 35 Barrels, et al., of Vinegar. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17048, 17049, 17050, 17051, 17057, 17084. I. S. Nos. 6422-v, 6423-v, 6424-v, 6425-v, 6427-v, 6428-v. S. Nos. C-3846, C-3847, C-3848, C-3849, C-3852, C-3853.)**

On or about December 21, 22, 23, and 26, 1922, respectively, the United States attorney for the Western District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 193 barrels of vinegar, remaining unsold in the original unbroken containers in various lots at Neosho, Springfield, Aurora, Monett, and Carthage, Mo., respectively, alleging that the article had been shipped by the Ozark Cider & Vinegar Co., Rogers, Ark., between the dates of August 11 and November 7, 1922, and transported from the State of Arkansas into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act. The article was labeled variously, in part: (Barrels) "Valley Brand Evaporated Apple Vinegar Contents 55 Gal. The Ozark Cider & Vinegar Company Rogers, Arkansas;" "Green Ribbon Brand \* \* \* Cider Vinegar Contents 55 Gal.;" "The Ozark Cider & Vinegar Company Mountain Brand Apple Cider Vinegar Contents 55 Gal. Rogers Arkansas;" "Evaporated Apple Vinegar Contents 55 Gal."

Misbranding of the article was alleged in substance in the libels for the reason that the statement appearing on the labels of the barrels containing the article, "Contents 55 Gal.," was false and misleading and deceived and misled the purchaser.

On January 9, 1923, the Ozark Cider & Vinegar Co., Rogers, Ark., claimant, having admitted the allegations of the libels and consented to the entry of decrees of condemnation and forfeiture, judgments were entered declaring the product to be misbranded, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$11,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11325. Adulteration and misbranding of sweet chocolate. U. S. v. 4 Cases of Sweet Chocolate. Default decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 17081. I. S. No. 8086-v. S. No. W-1263.)**

On December 23, 1922, the United States attorney for the District of Nevada, acting upon a report by the Secretary of Agriculture, filed in the District



Court of the United States for said district a libel for the seizure and condemnation of 4 cases of sweet chocolate at Reno, Nev., alleging that the article had been shipped by the James Force Co., San Francisco, Calif., on or about October 5, 1922, and transported from the State of California into the State of Nevada, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Guittard's Sweet Eagle Chocolate Standard Quality \* \* \* San Francisco, Cal. Net Contents 16 Ounces."

Adulteration of the article was alleged in the libel for the reason that a substance containing excessive shells had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement appearing on the said label, "Guittard's Sweet Eagle Chocolate Standard Quality," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 23, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11326. Misbranding and alleged adulteration of vinegar. U. S. v. 65 Barrels of Vinegar. Tried to the court. Judgment for Government on misbranding charge, for claimant on adulteration charge. Decree of condemnation and forfeiture entered. Product released under bond. (F. & D. No. 12240. I. S. No. 11815-r. S. No. C-1823.)**

On March 10, 1920, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and thereafter an amended libel, praying the seizure and condemnation of 65 barrels of vinegar, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Douglas Packing Co., Rochester, N. Y., in part on or about May 8 and in part on or about September 16, 1919, and transported from the State of New York into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sunbright Brand Apple Cider Vinegar Made From Selected Apples Reduced To 4% Douglas Packing Co. Guaranteed To Comply With All Pure Food Laws."

Adulteration of the article was alleged in the libel as amended for the reason that the said article was made from evaporated or dried apple products and had been mixed and packed with and substituted wholly or in part for cider vinegar, which the said article purported to be.

Misbranding was alleged in substance for the reason that the labels upon the casks or barrels containing the article bore the following statements regarding the said article, "Apple Cider Vinegar Made From Selected Apples \* \* \* Guaranteed To Comply With All Pure Food Laws," which statements were false and misleading and deceived and misled the purchaser in that they created the impression that the said article was pure cider vinegar, whereas, in truth and in fact, it was not pure cider vinegar but was vinegar made from evaporated and dried apple products. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of cider vinegar.

On December 7, 1921, the case came on for trial before the court on an agreed stipulation of facts between the Government and the claimant, the Douglas Packing Co., Rochester, N. Y. After the submission of evidence and arguments by counsel for the court, on December 8, 1921, handed down the following decision (Geiger, D. J.):

"I may say preliminarily that the jurisdiction exercised by the Federal Government under the Pure Food Act, of course, arises out of the grant of power to Congress to regulate interstate commerce, and it may be that in the enforcement of the act the Federal courts need not go to the extent that the State sovereignties go in enforcing or interpreting pure food laws, but I have always felt that the law, after all, was one, notwithstanding the basis of the power, which aimed at just what the title discloses. It certainly has something to do with pure foods and correct labeling. The facts in this case, so far as they are relevant, are, in my judgment, not open to serious controversy. As I intimated during the discussion, and I say this freely, I was

impressed, upon the conclusion of the opening statements made by counsel for the respective parties, with the idea that if the facts were stipulated as subsequently disclosed, it was a very nice question whether the case could not have been disposed of upon the stipulation, plus matters which are within judicial cognizance. Now, I do not mean by that that the case could have been disposed of because the particular judge thought he knew something about the art pertaining to cider and vinegar, because, if that were true in some cases, it would not be claimed here. But, in the enforcement of this law, there comes a time when, in administering executively or judicially that part of it dealing with labels, with branding, with the holding out of goods, some executive or judicial officer must exercise the power of definition; and that brings with it the query: To what may recourse be had as executive or judicial aid, administrative aid, in the exercise of that power of definition? Now, passing from that to the means afforded in this case for the answer, I can only say that the means were right at hand here through the lips and tongues of those who could speak, in virtue of their experience, to that subject.

"The Government challenges the right of the claimant and respondent to use in interstate commerce upon the product made, as it says it is made, the label, 'Apple Cider Vinegar,' and that of course brings with it the query: What is vinegar, what is cider vinegar, what is apple cider vinegar? And notwithstanding all that is said here—and that was urged rather earnestly—respecting the attitude of the executive and the court to countenance growth commercially, and all that sort of thing, the testimony in this case, it seems to me, affords the very strongest support to the notion that this case, to quite an extent, could have been disposed of by taking into consideration the matters as matters of judicial cognizance. Nobody will doubt that in the progress of the arts, as they enter into manufacturing and commerce, things are done which are at variance with the manner in which they were originally done. It may be conceded that a method has been developed for making cider, which, being put out as 'apple cider' successfully fools. Now, coming directly to this matter of definition, how did the idea of apple cider vinegar ever arise? There must be a reason for what has rather conclusively appeared in this case, that it is universally regarded as a mighty good name for something. Men in manufacturing and commerce can, upon their choice, select names which will be representative of ingredients, or which will be purely arbitrary names—trade names. But this is true, the term 'apple cider vinegar' grew out of habits of people in making vinegar. It was a homely designation of processes and products made originally and to some extent probably still made in a homely way, but in a way—and this is the point—that gave to the people making it and getting it an absolutely satisfactory consciousness as to the merit of what they had made and made in the way that they made it. That is why people ask for 'apple cider vinegar.' They have that consciousness. That is why jobbers are anxious to sell what they believe may truthfully be called 'apple cider vinegar.' That is why manufacturers are glad and anxious to put as apple cider vinegar the things they put out. Now, is the law and its tribunal mistaken in exercising this power of definition, especially when it is fortified in the manner that it has been in this case, in saying that is the legal definition of apple cider vinegar? That is what this case comes down to. And I have felt throughout the case that sight should not be lost of a very good test to which subject any situation of labeling, any situation of holding out something to be something, and that test is this—, why object to a full disclosure of the facts—is there any doubt, whether we take the term 'apple cider vinegar' or the more restricted term 'apple cider,' the one referring, of course, to the one thing and the other to the other, that these initially and accurately reflect a conception on the part of the public respecting the identity of the thing, its identity being in mind not disconnectedly from the manner in which it was made? Is there any doubt at all but that, if the facts were stated in connection with the two articles, the public would act upon their native conception not only as to what a thing is but certainly upon their conception as to what they want? And as I indicated this morning, this law and no pure food law, so far as it deals with labeling is concerned, is expected to endow judicial or executive officials with the necessity of trying to extract and explain as to why the public act that way. The fact is to be found from their attitude, from their conduct, from their conception, as the court may well glean it from the testimony of witnesses.



"Now, to carry that a little bit further, take the testimony of men who have come here into court, representatives of brokerage interests in Chicago, representatives of large wholesale grocery interests in Chicago and Milwaukee, and without the slightest hesitation, without equivocation, without an attempt at the slightest limitation upon the meaning of the word, they aim to speak out of their comprehensive observation and experience upon this vital matter as to what is meant by the term 'apple cider vinegar,' men who would be interested very much, if they could, to have the product which is here in court square up with that definition. Most of them undoubtedly have handled this sort of a product, labeled in this way—maybe all of them have some in stock now—and yet they come here with the idea that the court may thereby be enabled to discharge the function committed to its discharge, the duty committed to it of determining whether this is a true label; and of course they approach it from the angle suggested by the question: What does the public understand by those terms? And as I said a moment ago, without any hesitation they all say, 'Why, it means cider vinegar made from apple cider,' comprehending the native juices of the fresh apple. And I shall not forego the opportunity to refer to the single witness who stood out in rather bold relief against that entire concurrence on the part of the Government's testimony. That is the witness, Mr. Somebody (McCord) from Des Moines, Iowa, a manufacturer. The same question being put to him, he seemed to have a perfectly clear appreciation of the possibilities of dividing his responsibility between the two views. He seemed to think at first that the question might be answered from the manufacturer's standpoint, and I assume that he wanted to answer it his way there. He suggested that it depended on whether it was to be answered from the jobber's or from the consumer's standpoint and finally said that there seemed to be no particular conception as to the meaning. That answer was afterwards changed, and when the court interrogated him upon the more limited question as to his conception of the meaning of the term 'apple cider,' why, he was content to leave the stand saying that in his own mind and in the minds of the people of Iowa, one was just as good as the other, that they had never seen fit to make any distinction. Now, with due respect to that witness, he appreciated the ground that he, as a manufacturer, was on. It cuts no figure that, as he says, both are permitted in Iowa. It cuts no figure in this case that the various representatives of the Department of Agriculture have gone first one way and then another way, if that is true, or have made all sorts of tracks on this proposition. That is not relevant to the question that is here before us, the very narrow question respecting the truth of this label.

"Now, it would be rather odd if, upon the testimony as it is here presented, the court should incline to or adopt the conclusion that because there is a suggestion here of chemical identity, that because there is a taking of apples which have been dried or dehydrated and subsequently water is added and some sort of a mixture is withdrawn, that that after all, because it is apple juice, is cider in the sense in which this entire trade uses that term. It is a question of the interpretation of the statute respecting truth of labels, which advances, as it did in this case, to the question of determining, as a matter of law, what is true and what is not true in point of definition. Now, grant that the claimant here is making a good vinegar, for some reason or other there is not a willingness that the public should be told, in the same detail in which for ages the public has had a conception of the facts respecting apple cider vinegar—the public should not be told in that same detail the facts respecting this particular so-called apple cider vinegar. Now, of course manufacturers know, every representative of the great jobbing interests that was here on the stand knows, and every retail grocer knows that as between the two possibilities, assuming that the one kind is to compete against the other, disclosure is forbidden. Assuming that the two are to be put up together, it would not do to tell the public: 'Why, you have got the old-fashioned notion about apples and apple cider; we have a new scheme here now whereby the water is withdrawn and the dehydrated apples and chops and leavings are passed into catacombs and allowed to remain in the mummified of [or] somnolescent state until withdrawn, whereupon we are going to get something that is just as good.' It would not do to tell it. That answers the question in this case; and the law aims not that there must be that degree of disclosure, but that the disclosure or claim on a label, whatever it be, be truthful. The law does not say you must tell all about this thing. So far as this case is concerned the law does say: 'You cannot use a label which leads the public to think that there is something here which has not

been done and is not here.' And that is the function of this court in this case to declare, and I do so declare, that this shipment of vinegar was misbranded within the meaning of the law. I indicated that upon the issue of adulteration the court is not required to find adulteration—I don't think it is supported by the evidence here—and that count will be dismissed, and upon the other count there will be a decree in the ordinary form of condemnation."

On December 26, 1922, the court having found that the allegations as to the misbranding of the product were true and correct but that the allegations as to the adulteration were unsupported, judgment was entered declaring the product to be misbranded and ordering its condemnation and forfeiture. It was further ordered by the court that the said product be released to the claimant, the Douglas Packing Co., upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11327. Adulteration and misbranding of cottonseed meal. U. S. v. 400 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17208. I. S. No. 2593—v. S. No. E-4296.)**

On January 29, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 sacks of cottonseed meal, remaining in the original unbroken packages at Mount Joy, Pa., and vicinity, consigned by the Eastern Cotton Oil Co., Hertford, N. C., alleging that the article had been shipped from Hertford, N. C., on or about January 10, 1923, and transported from the State of North Carolina into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured By Eastern Cotton Oil Company Hertford, North Carolina. Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00% \* \* \* Ingredients—made from Upland Cotton Seed."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein, ammonia, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the labels bore the following statements regarding the article and the ingredients and substances contained therein, "Perfection Cotton Seed Meal \* \* \* Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00% Ingredients—made from Upland Cotton Seed," which statements were false and misleading in that the said article did not in fact contain 41 per cent of protein, equivalent to 8 per cent of ammonia. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On February 6, 1923, E. H. Zercher, Mount Joy, Pa., having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the said product be relabeled under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11328. Adulteration and misbranding of frozen eggs. U. S. v. 32 Cases of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17273. I. S. No. 4177—v. S. No. C-3882.)**

On or about February 8, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 92 cases of frozen eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by W. L. Ogden & Co., from Sioux City, Iowa, January 17, 1923, and transported from the State of Iowa into the State of Illinois and charging adulteration and misbranding in violation of the Food and Drugs



Act, as amended. The article was labeled in part: (Cans) "Cold Storage Hanford Produce Co. Sioux City, Iowa. W. L. Ogden & Co. \* \* \* Eggs."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight and measure.

On March 1, 1923, W. L. Ogden and Co., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the said product be sorted under the supervision of this department, the bad portion destroyed by the United States marshal and the good portion released to the said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11329. Adulteration of shell eggs. U. S. v. 500 Cases, et al., of Eggs. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17278. I. S. Nos. 2639-v, 2640-v, 2641-v, 2642-v. S. No. E-4306.)

On February 12, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 159 cases and 477 cases, more or less, of eggs, remaining in the original unbroken packages at Philadelphia, Pa., or vicinity, consigned by the Merchants Refrigerating Co., Jersey City, N. J., alleging that the article had been shipped from Jersey City, N. J., on or about January 9, 1923, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Bell-Jones Company, Cold Storage \* \* \* Merchants Ref. Co. N. J.-Cold Storage."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, ammonia, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality. Adulteration was alleged for the further reason that the article consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On February 28, 1923, the Thomas F. Piper Co., Philadelphia, Pa., having entered an appearance as claimant for the property, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the said eggs be broken and denatured with coal oil.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11330. Alleged adulteration of shell eggs. U. S. v. Charles J. Blazek (Blazek & Novotny). Tried to the court and a jury. Verdict of not guilty.** (F. & D. No. 12368. I. S. No. 18781-r.)

On July 1, 1920, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Charles J. Blazek, trading as Blazek & Novotny, Pisek, N. Dak., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 19, 1919, from the State of North Dakota into the State of Minnesota, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 540 eggs from the consignment showed that 47, or 8.7 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance.

On January 15, 1923, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel the court delivered the following instructions to the jury (Miller, J.):

"Gentlemen of the jury: You have now heard all the evidence in the case and the views held and entertained by counsel with reference to the evidence



introduced. The case is now ready to go to you, gentlemen of the jury, for your final consideration. If the court has at any time shown any anxiety with reference to the progress of the trial in this case, it has been because the court felt that it might possibly have been shortened up some in the trial, not because the court did not consider the case of any importance. It is an important case because Congress has seen fit to enact a law with reference to pure food. The plain purpose and intention of that law is to protect everyone from being compelled to buy or having imposed upon them impure food, and it is the duty of the prosecuting attorneys for the Government to see that that law, as well as all other laws, are enforced; so that it is important from the standpoint of the Government, whose duty it is to protect the people against impure foods, to enforce that law. It is also an important case from the standpoint of the defendant. The defendant stands charged here with having violated that law, violated a law of the United States, and that in itself is a mighty important thing to the defendant, and by that charge he is not only charged with having violated the law of his own Government but is also charged necessarily with unbusinesslike and unfair and unjust practices, so that it is a case that, so far as importance is concerned, well merits your careful consideration.

"The law that the defendant is charged with violating is commonly known as the Pure Food and Drug Act, passed by Congress on June 30, 1906, and that part of the law that is applicable to this case is as follows:

"That the introduction into any State or Territory or the District of Columbia, from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country, of any article of food or drugs which is adulterated within the meaning of this act,' which is as follows: If it consists in whole or in part of any filthy, decomposed, or putrid animal or vegetable substance so as to be unfit for food.

"The information is as follows:

"Philip Elliott, assistant attorney for the United States in and for the District of North Dakota, who for the said United States in this behalf prosecutes, in his own proper person comes into court on this 28th day of June, A. D., nineteen hundred and twenty, and with leave of court first had and obtained, gives the court here to understand and be informed as follows, to wit:

"That Charles J. Blazek, trading as Blazek & Novotny, at Pisek, State of North Dakota, did within the Northwestern Division of the Judicial District of North Dakota and within the jurisdiction of this court, on or about the nineteenth day of July, in the year nineteen hundred and nineteen, then and there in violation of the act of Congress of June 30, 1906, known as the Food and Drugs Act (34 Statutes at Large, 768), unlawfully ship and deliver for shipment from Pisek, State of North Dakota, to the city of Duluth, State of Minnesota, consigned to Levine Bros. Co., a certain consignment, to wit, a number of cases, each case containing an article of food marked and branded as follows, to wit: "Order of Blazek & Novotny, Pisek, N. Dak." Said article was billed as eggs.

"That said article of food when shipped and delivered for shipment as aforesaid was then and there adulterated within the meaning of the said act of Congress in that it consisted in whole or in part of a filthy, putrid, and decomposed animal substance; all of which was and is contrary to the form of the statute in such case made and provided and against the peace and dignity of the United States of America.

"Wherefore said attorney, in behalf of the United States, prays the consideration of the court here in the premises and that due process of law may be awarded against the defendant, in this behalf, to make answer to the United States touching and concerning the premises aforesaid.' (Sworn to by Philip Elliott.)

"Now, of course, you, gentlemen of the jury, will understand that the fact that this defendant was informed against by the United States district attorney as read to you and that pursuant to that information he has been arrested and brought to trial here is not any evidence of his guilt. It is merely the manner and form by which the Government brings to trial a defendant charged with an offense against the laws of the United States; and you are also told that every presumption of law is with the defendant, the presumption being that he is innocent of the crime charged until the Government has proven him guilty of the offense charged beyond a reasonable doubt. That presumption of innocence remains with the defendant during the trial of the case up to the time, if that time comes, when you, gentlemen of the jury, are satisfied beyond a reasonable doubt of his guilt. When that time comes, if it does come, the presumption no longer remains with him.

"Before the Government can ask a conviction of the defendant at your hands, the Government must prove beyond a reasonable doubt each and every material allegation in the information, and you are told that the material allegations in this information, which the Government must prove beyond a reasonable doubt before it can ask a conviction at your hands, are three. The first one is that these particular eight cases of eggs were in fact, at or about the time and place mentioned in the information, delivered for shipment or shipped by this defendant. The second one is that they were delivered for shipment or shipped by him in interstate commerce, that is to say, from one State into another State of the United States; and the third material allegation is that the eggs at the time they were shipped by the defendant, if they were shipped by him, were adulterated within the meaning of this act, and you are told as a matter of law that if at the time they were shipped by the defendant, if they were shipped by him, they were decomposed to such an extent that they were unfit for food, then they are adulterated within the meaning of this act. With reference to the first material allegation mentioned, namely, that you must find beyond a reasonable doubt that the defendant in fact did ship the eight cases of eggs mentioned in the information, the defendant himself on the stand testified that he did ship these eggs and that they were billed and shipped to Levine, at Duluth, in the State of Minnesota. If that is true, then he did ship the eggs, and they were shipped in interstate commerce. I don't think on those two material allegations you will have any trouble. So that brings the remaining material allegation in that information, which the Government must prove beyond a reasonable doubt, to one single fact, namely—at the time the defendant shipped these eggs, were those eggs at that time decomposed to such an extent that they were unfit for food—and that is the only question. You are told that it isn't necessary under this act that the defendant should know at the time he shipped them that they were decomposed to such an extent as to be unfit for food. Under this law he is supposed to know and in law is held to know whether or not the eggs were in fact adulterated, as I have described. So the question, as I said, narrows down to the single proposition—were the eggs at the time of shipment decomposed within the meaning of that act, as I have described to you? That is to be determined by you from all the evidence introduced in this case and all the surrounding circumstances that have been described to you and that come before you, and before you can convict this defendant of the crime charged in this information you must find beyond a reasonable doubt that at the time that he shipped those eggs and delivered them for shipment that they were rotten and decomposed to such an extent that they were unfit for food.

"It has been testified in this case and this court has permitted it to be shown by the Government that some twelve days later when the Government's representatives examined and candled certain eggs in Duluth, said to be a part of these particular eight cases, that the particular eggs examined by the Government were at that time decomposed. Now you are told that the only purpose for which that testimony was admitted and the only reason it is competent at all is to permit you to say what bearing that fact, if it was a fact, may have on the question whether they were decomposed at the time they were shipped. In other words, the fact that they were decomposed and adulterated within the meaning of the act twelve days later would not make the defendant guilty. It was admitted for the purpose to let you say what evidence such facts were as bearing on the question whether twelve days before when he shipped them they were decomposed and adulterated within the meaning of the act, and the one further purpose whether or not, and that is for you to say, the particular eggs examined by the Government's agent on the 31st day of July at Duluth were in fact eggs shipped by this defendant, and unless you find that the particular eggs examined by the Government at Duluth on the 31st day of July were the identical eggs, that is among and were the identical eggs shipped by this defendant, then, of course, there is no evidence in this case whatever to show that the eggs shipped by defendant were decomposed within the meaning of the act. So with such instructions on that part of the case I think you have the issues squarely submitted to you.

"Now, I have said that you must find these facts beyond a reasonable doubt, and reasonable doubt is not a mere fanciful or capricious notion that a juror might get from some particular piece of evidence that is introduced. It means an honest doubt from all of the evidence introduced in the case and one that is founded in reason itself—a substantial question must arise in your mind whether or not the defendant is guilty. It is such a doubt that would in the more important affairs of your own life cause you to stop and hesitate and say



that you were not certain which was right. If, on the whole evidence in this case, such a question and doubt has arisen in your mind as to whether or not the eggs at the time they were shipped and delivered for shipment by the defendant were in fact decomposed and adulterated within the meaning of the act, or if there is such a doubt in your mind with reference to whether the eggs as examined by the Government's agents in Duluth on the 31st day of July were the same eggs that were shipped by this defendant, then you have a reasonable doubt and you should acquit this defendant. If, on the other hand, after fully considering all of the facts and the circumstances in this case, you can say to yourself that you are morally certain, that you have an abiding faith, that these eggs shipped by the defendant on the 19th day of July, 1919, were at that time decomposed and rotten to the extent that they were unfit for use, then you are convinced beyond a reasonable doubt and your verdict should be guilty.

"You are the sole judges of the credibility of the witnesses and the weight that should be given their testimony, and in weighing the testimony you should adopt such reasonable tests and standards with reference to the witnesses and the weight to be given their evidence as reasonable, prudent men would use in searching for truth with reference to their own affairs in life. You have a right, of course, to take into consideration the appearance of a witness, what he testified to, his means of knowledge, apparent candor or lack of candor, and all other circumstances that impress you as being worthy of consideration.

"The defendant himself is a competent witness in his own behalf, he has testified in this case, and you should weigh his evidence and apply to his testimony the same rules and standards which you do to other witnesses, bearing in mind, of course, that he is the defendant and has some interest in the case, and if you should find and believe from the evidence that any witness has sworn falsely you may disregard his entire testimony or such parts of it as is not corroborated by other creditable evidence or circumstances surrounding the case that give credibility to it.

"Now, gentlemen, I have prepared two forms of verdict in this case: One is 'We, the jury, find the defendant guilty' and the other is 'We, the jury, find the defendant not guilty.'

"Are there any exceptions?"

The jury thereupon retired, and after due deliberation returned a verdict of not guilty.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11331. Misbranding of Egyptian regulator tea. U. S. v. 8 Dozen Packages of Egyptian Regulator Tea. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 14456. I. S. No. 4771-t. S. No. C-2801.)

On or about February 15, 1921, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 dozen packages of Egyptian regulator tea, remaining in the original packages at Fort Worth, Tex., alleging that the article had been shipped by the McCullough Drug Co., Lawrenceburg, Ind., on or about November 29, 1920, and transported from the State of Indiana into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Circular) "Egyptian Regulator Tea \* \* \* A Speedy and Positive relief for \* \* \* Dyspepsia, Liver Complaint, Sick Headache, Nervousness \* \* \* Nature's Own Gift To Dyspeptic, Debilitated Men, to Worn-out, Nervous Women, to Mothers of Peevish and Sickly Children, to Girls Just Budding into Womanhood, to Sufferers from Defective Nutrition and Blood Diseases, to Corpulent People, whether Male or Female, Old or Young \* \* \* Rheumatism, Neuralgia, Sick Headache, Pains in all parts of the body, Running Sores, Pimples, Boils Carbuncles and Skin Diseases \* \* \* Lung Trouble and Consumption. Premature Old Age, Lack of Youthful Energy, Beauty and Vigor, Sallow Complexion and Haggard, Careworn Look \* \* \* diabetes \* \* \* Malaria \* \* \* killing the Disease Germs \* \* \* Heart Troubles, Paralysis, Rheumatism, Gout \* \* \* apoplexy;" (wrapper) "Egyptian Regulator Tea A Remedy For \* \* \* Dyspepsia, Sick Headache, and all Disorders of the Stomach. Its daily use will Purify the Blood, Remove all Blotches from the Face, and Restore the Complexion. Ladies will find this a valuable remedy for all Female Complaints. Also for Liver and Kidney trouble."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of compressed herbs, including senna, coriander, dog grass, licorice root, ginger, sambucus, cinnamon, and dandelion root.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the labeling were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed for it in the said statements.

On February 12, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11332. Misbranding of La Derma vagiseptic discs, Bick's sextone pills, Arthur's sextone tablets, Arthur's sextone pills [tablets], Bick's nerve tonic, Bick's sarsaparilla compound, Bick's Daisy 99, Thomas' emmenagogue pills, Arthur's emmenagogue pills, and Leslie's emmenagogue pills. U. S. v. 6 Packages of Vagiseptic Discs, et al. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 14823, 14826, 14829, 14962, 14985, 15097, 15164, 15173. S. Nos. C-2989, C-2991, C-2992, C-2993, C-3062, C-3063, C-3064, C-3065, C-3066, C-3067, C-3089, C-3100, C-3101, C-3119, C-3120.)

On April 21, April 22, May 27, June 1, June 28, July 15, and July 20, 1921, respectively, the United States attorney for the Eastern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 31 boxes of La Derma vagiseptic discs and 6 packages of vagiseptic discs, 59 packages of Bick's sextone pills, 23 packages of Arthur's sextone tablets, 5 packages of Arthur's sextone pills [tablets], 28 packages of Bick's nerve tonic, 9 bottles of Bick's sarsaparilla compound, 6 packages of Bick's Daisy 99, 30 packages of Thomas' emmenagogue pills, 48 packages of Arthur's emmenagogue pills, and 42 packages of Leslie's emmenagogue pills, remaining in various lots at Tyler, Lufkin, and Jacksonville, Tex., respectively, alleging that the articles had been shipped by the Palestine Drug Co., from St. Louis, Mo., between the dates of October 24, 1919, and November 5, 1920, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: (Vagiseptic discs) (wrapper) " \* \* \* for \* \* \* Amenorrhoea and other Uterine and Vaginal Disorders," (circular) "For \* \* \* Amenorrhoea \* \* \* Ulceration of the Uterus and Catarrh of the Uterus \* \* \* Gonorrhoea;" (Bick's sextone pills) (box) "Sextone Pills \* \* \* Composed of \* \* \* Aphrodisiac Agencies;" (Arthur's sextone tablets) (wrapper) "Designed to Correct \* \* \* the Evil Results Following Sexual or Alcoholic Excesses, Overwork, Worry, Etc. \* \* \* Sextone Tablets For Either Sex Composed of \* \* \* the Most Potent and Dependable Aphrodisiac Agencies," (circular) "Sextone Tablets \* \* \* cases of exhaustion of nervous energy \* \* \* stimulate \* \* \* the Sexual Plexes \* \* \* nourish the nervous system and build it up;" (Bick's nerve tonic) (wrapper) "Nerve Tonic \* \* \* for Nervous Prostration and bodily aches and pains \* \* \* a nerve \* \* \* tonic \* \* \* for all female complaints \* \* \* for Weakness, Nervousness, Headache, Kidney Trouble, and loss of Power in either Sex \* \* \* for female weakness heart trouble and where a general breakdown of the nervous system exists;" (Bick's sarsaparilla compound) (bottle) " \* \* \* to be taken regularly as long as impurity exists in the blood \* \* \* one of the best remedies in existence for purposes claimed. Remember that constitutional diseases or diseases of long standing cannot be cured in a week or so by any remedy," (wrapper) " \* \* \* for the treatment of all diseases due to Impure Blood such as Chronic Rheumatism, Secondary Syphilis, Scrofula, Pimples, Boils, Etc. \* \* \* is especially and specifically designed to give the greatest possible benefit in the treatment of diseases due to impure and impoverished blood;" (Bick's Daisy 99) (wrapper) "Bick's Daisy 99 \* \* \* Gonorrhoea Gleet and functional ailments of the Kidneys and Bladder in both Male and Female;" (Thomas' emmenagogue pills, Arthur's emmenagogue pills, and Leslie's emmenagogue pills) (box) "Emmenagogue Pills recommended for Amenorrhoea, Dysmenorrhoea and other Menstrual Troubles \* \* \* beginning treatment \* \* \* before the regular monthly period \* \* \* continue \* \* \* until relief is obtained."



Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the La Derma vagiseptic discs contained salt, alum, starch, milk, sugar, and talc; the Bick's sextone pills consisted of two products—chocolate-colored pills containing a small amount of extract of plant drugs, 50 per cent of sugar, 25 per cent of calcium carbonate, 7 per cent of iron oxid, and 7 per cent of powdered talc, and orange-colored tablets containing 31 per cent of metallic iron, 11 per cent of calcium carbonate, extract of nux vomica, and sugar; the Arthur's sextone tablets contained iron oxid, calcium carbonate, a compound of zinc, and extract of plant drugs, coated with sugar; the Bick's nerve tonic consisted of two products—brown tablets containing phosphorus and compounds of zinc and iron, coated with sugar and calcium carbonate, and yellow pellets containing compounds of iron, strychnine, and phosphorus, coated with sugar and calcium carbonate; the Bick's sarsaparilla compound contained less than 1 per cent of sodium salicylate, 0.7 per cent of potassium iodid, extracts of plant drugs, including sarsaparilla and a laxative drug, sugar, alcohol, and water; the Bick's Daisy 99 consisted of tablets containing iron sulphate, methylene blue, and material derived from plants including cubebs, copaiba, santalwood, and starch, coated with sugar and calcium carbonate; the Thomas' emmenagogue pills, the Arthur's emmenagogue pills, and the Leslie's emmenagogue pills contained iron sulphate, aloes, and extract of plant drugs, coated with sugar and calcium carbonate, colored pink.

Misbranding of the articles was alleged in substance in the libels for the reason that the packages or labels bore statements regarding the curative and therapeutic effects of the said articles which were false and fraudulent since the said articles contained no ingredients or combinations of ingredients capable of producing the effects claimed. Misbranding was alleged with respect to the Bick's sarsaparilla compound for the further reason that the package failed to bear a statement on the label of the quantity or proportion of alcohol contained therein since the quantity stated was not correct.

On February 3, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11333. Misbranding of O. S. hog remedy. U. S. v. 110 Cases of O. S. Hog Remedy. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15075. I. S. No. 4500-t. S. No. C-3080.)

On or about June 28, 1921, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 110 cases of O. S. hog remedy at Lufkin, Tex., alleging that the article had been shipped by the Meyer Bros. Drug Co., St. Louis, Mo., June 18, 1920, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of sodium sulphate, sulphur, sodium chlorid, compounds of arsenic and antimony, zinc phenolsulphonate, zinc sulphate, and plant material.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the curative and therapeutic effect of the said article, appearing on the carton containing the same, " \* \* \* a treatment for Cholera, worms of many kinds, lice, scab mites and many other parasites \* \* \* If Cholera is Near feed Twice a week \* \* \* O. S. Hog Remedy \* \* \* A Guaranteed treatment for hog cholera if used regularly according to directions on package, also destroys worms, lice, scab mites and many other kinds of parasites," were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 3, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11334. Adulteration and misbranding of canned tomatoes. U. S. v. 200 Cases and 50 Cases of Canned Tomatoes. Consent decrees entered providing for release of product under bond.** (F. & D. Nos. 15482, 15511. I. S. Nos. 9312-t, 9316-t. S. Nos. E-3607, E-3625.)

On October 19 and 31, 1921, respectively, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agri-



culture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 250 cases of canned tomatoes, remaining unsold in the original packages at Savannah, Ga., alleging that the article had been shipped from Baltimore, Md., September 2, 1921, and transported from the State of Maryland into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fox" \* \* \* Brand" (or "Compass Brand") "Tomatoes" \* \* \* Packed by D. E. Foote & Co. Inc. Baltimore, Md."

Adulteration of the article was alleged in substance in the libels for the reason that added purée, pulp and juice from skins and cores of tomatoes, and water had been mixed and packed with and substituted in part for tomatoes. Adulteration was alleged for the further reason that the article was mixed and packed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements, "Fox" \* \* \* Brand Tomatoes" or "Compass Brand Tomatoes," as the case might be, together with the design of a red tomato, appearing on the said labels, were false and misleading and deceived and misled the purchaser for the reason that the contents of the said cans was not made up solely of the article represented by said label, but the said article had mixed therewith purée, pulp and the juice from skins and cores of tomatoes, and water. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of an article other than that contained in the said cans, that is, the contents of the said cans was offered for sale as tomatoes, and not as tomatoes mixed with other substances.

On December 10, 1921, D. E. Foote & Co., Inc., Baltimore, Md., claimant, having filed an answer admitting the allegations of the libel and praying the release of the product to be relabeled under the supervision of this department, judgments of the court were entered ordering that the said product be released to the claimant upon the execution of bonds in the aggregate sum of \$647.90, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11335. Adulteration and misbranding of grape concentrate. U. S. v. Tropical Fruit Juice Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 16207. I. S. No. 4894-t.)**

On January 2, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tropical Fruit Juice Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 16, 1921, from the State of Illinois into the State of Michigan, of a quantity of grape concentrate which was adulterated and misbranded. The article was labeled in part: "Non-Intoxicating Free From Preservatives" \* \* \* Grape Smash Flavored Concentrate Acidulated and Artificially Colored" \* \* \* From Tropical Fruit Juice Co. \* \* \* Chicago."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was essentially a mixture of sugar sirup and tartaric acid, flavored with methyl anthranilate and artificially colored with a coal-tar dye, amaranth.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, an imitation grape concentrate, had been substituted in whole or in part for grape-smash-flavored concentrate derived from grapes which the said article purported to be. Adulteration was alleged for the further reason that it was an article inferior to genuine grape concentrate, to wit, an imitation grape concentrate, and was colored in a manner whereby its inferiority was concealed with a certain coal-tar dye, to wit, amaranth, so as to simulate the appearance of genuine grape concentrate.

Misbranding was alleged for the reason that the statements, to wit, "Grape Smash Flavored Concentrate" and "The Flavor Is Derived From Grapes," together with the design and device of a cluster of grapes, borne on the labels attached to the kegs containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was genuine grape-smash-flavored concentrate, an article derived from grapes, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was grape-smash-flavored concentrate, an

article derived from grapes, whereas, in truth and in fact, it was not grape-smash-flavored concentrate, an article derived from grapes, but was an artificially colored imitation grape concentrate. Misbranding was alleged for the further reason that the article was an artificially colored imitation grape concentrate, prepared in imitation of grape smash, and was offered for sale and sold under the distinctive name of another article, to wit, grape smash.

On January 24, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11336. Misbranding of Veronica water. U. S. v. 49 Cases of Veronica Water. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16300. I. S. No. 1831-t. S. No. C-3611.)**

On May 10, 1922, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 49 cases of Veronica water, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Veronica Medicinal Springs Water Co., Santa Barbara, Calif., on or about March 14, 1922, and transported from the State of California into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottles) "California's Natural Medicinal Spring Water \* \* \* The Medicinal Effects If the component parts of the water be duly considered, it will be seen how it is possible for the mineral water from one spring to be valuable for many ailments \* \* \* Write for our booklet of testimonials, every one of which this Company guarantees to be absolutely genuine, and received by this Company without pay or promise to pay. A fair trial will convince the most skeptical of the merits of Veronica Water;" (cases) "Veronica Water The Analysis Of Veronica Water \* \* \* The Medicinal Effects If the component parts of the water be duly considered, it will be seen how it is possible for the mineral water from one spring to be valuable for many ailments. Directions For Using \* \* \* Veronica Santa Barbara California's Natural Medicinal Spring Water Trade Mark;" (booklet) "As An Eliminant and Diuretic It Has No Equal \* \* \* the value of Veronica Water in rheumatism, in the train of conditions following habitual alcoholic abuse \* \* \* for the symptomatic relief of chronic nephritis \* \* \* and in those affections of the urinary tract where mild diuresis with catharsis may be indicated. \* \* \* the positive effect upon digestive and urinary tract, indicate the value of Veronica Water in this very broad, if limited, class of conditions. \* \* \* In many forms of liver, kidney, bladder and urethral troubles it is the desideratum, stimulating them to healthy action and assisting nature to throw off the waste products of the body. At the same time the powerful solvent properties of the alkaline salts is obtained and the hyper-acid condition of the blood neutralized. \* \* \* It would be necessary to take a review of the whole nosological index, if I was to occupy myself here with all the diseases which have been benefited or cured by the use of Veronica Mineral Water."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of water containing magnesium sulphate, sodium nitrate, sodium chlorid, calcium bicarbonate, calcium sulphate, and magnesium chlorid.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the labeling were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 26, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11337. Adulteration of minced clams. U. S. v. 274 Cases and 124 Cases of Minced Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16590. I. S. Nos. 10975-t, 14051-t. S. No. W-1143.)**

On July 6, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemna-



tion of 274 cases and 124 cases of minced clams, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by Wiegardt Bros., from Nahcotta, Wash., May 8, 1922, and transported from the State of Washington into the State of Oregon, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Mast-er Brand Minced Razor Clams Packed By Wiegardt Bros. Ocean Park, Wash."

Adulteration of the article was alleged in the libel for the reason that excessive water or clam juice had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted wholly or in part for minced clams.

During the month of August, 1922, Wiegardt Bros., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$4,000, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11338. Adulteration and misbranding of canned oysters. U. S. v. 97 Cases, et al., of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17013, 17014. I. S. Nos. 7783-v, 7785-v, 7791-v. S. Nos. W-1246, W-1249.)**

On December 7, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 263 cases of oysters, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Sea Food Co., from New Orleans, La., in part on or about March 1 and in part on or about May 7, 1922, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously, in part: "Lopez's Cove Oysters \* \* \* Biloxi Chief Brand Net Contents 5 Ounces Oyster Meat Select Oysters Packed By Barataria Canning Co., New Orleans, La. & Biloxi, Miss.;" "Silver Shield Brand Oysters \* \* \* Contents 10 Ounces Exclusive Of Liquid;" "Darling Brand Cove Oysters Packed By Sea Food Co. Biloxi, Miss. U. S. A. Contents 8 Ounces Oysters."

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed with and substituted wholly or in part for the article.

Misbranding was alleged with respect to a portion of the article for the reason that the statements on the respective cans, "Contents 10 Ounces Exclusive Of Liquid" and "Contents 8 Ounces Oysters," were false and misleading and deceived and misled the purchaser.

On January 24, 1923, the Sea Food Co. and the Star Packing Co. having appeared as claimants for respective portions of the property, and having admitted the material allegations in the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the respective claimants on payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11339. Misbranding and alleged adulteration of canned clams. U. S. v. 744 Cases of Canned Clams. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17092. I. S. Nos. 8303-v, 8305-v. S. No. W-1265.)**

On December 28, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 744 cases of canned clams, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Mountain Point Packing Co., from Petersburg, Alaska, December 2, 1922, and transported from the Territory of Alaska into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Golden Shore Brand Whole Clams Net Contents Not Less Than 15 Ounces Clams and Clam Nectar Packed In Alaska By Mountain Point Packing Co. Petersburg, Alaska."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Whole Clams," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 8, 1923, C. M. Everitt, Seattle, Wash., claimant, having admitted the material allegations in the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, the court finding the product to be misbranded, and it was ordered that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11340. Adulteration and misbranding of Big G. U. S. v. 5 Dozen Bottles of Big G. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 10548. I. S. No. 16529-r. S. No. E-1517.)**

On June 16, 1919, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 dozen bottles of Big G, remaining unsold in the original packages at Augusta, Ga., alleging that the article had been shipped by the Evans Chemical Co., Cincinnati, Ohio, on or about November 7, 1918, and transported from the State of Ohio into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an aqueous solution of borax and berberine. Hydrastine was absent.

Adulteration of the article was alleged in substance in the libel for the reason that the carton containing the article bore the statement, "compound of Borated Goldenseal," whereas the said article contained no borated goldenseal and its strength and purity fell below the professed standard and quality under which it was sold.

Misbranding was alleged for the reason that the statement on the said carton that the article was a compound of borated goldenseal was false and misleading for the reason that the said article contained no goldenseal. Misbranding was alleged in substance for the further reason that the following statements appearing on the labels of the carton and bottle containing the article and in the accompanying booklet, regarding the curative and therapeutic effects of the said article, to wit, (in English, with equivalent statements in Spanish, French, and German) (carton) "Big G \* \* \* A remedy for Catarrh, Hay Fever, and Inflammations, Irritations or Ulcerations of mucous membranes or linings of the Nose, Throat, Stomach and Urinary Organs," (bottle) "Big G A Non-poisonous Tonic \* \* \* A Treatment For Un-natural Discharges of the urinary organs, Catarrh, Hay Fever and Inflamed, Ulcerated, Itching conditions of the skin and mucous membrane or linings of the Mouth, Nose, Throat, Eye and Ear," (booklet) "Catarrh \* \* \* Chronic, of the Head \* \* \* Hay Fever \* \* \* Inflammation of the Eye \* \* \* Cystitis \* \* \* Gastritis—Catarrh of the Stomach \* \* \* Haemorrhoids—Piles \* \* \* Throat Troubles \* \* \* Gonorrhoea \* \* \* Gleet \* \* \* Chronic Gonorrhoea \* \* \* Stricture \* \* \* Folliculitis \* \* \* Gonorrhoeal Prostatitis [Prostatis] \* \* \* Spermatorrhoea \* \* \* Bubo \* \* \* Gonorrhoeal Cystitis \* \* \* As a preventative an injection of Big G should always be used immediately after exposure \* \* \* Balanitis \* \* \* Bubo—Inflammation and swelling of a Lymphatic Gland of the Groin \* \* \* Chordee \* \* \* Swelled Testicle \* \* \* Leucorrhoea—Whites—Catarrh of the Vagina \* \* \* Gonorrhoea in Women," were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On October 11, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**11341. Misbranding of Oculum oil. U. S. v. 3½ Dozen Bottles of Oculum Oil. Default decree ordering destruction of product. (F. & D. No. 11880. I. S. No. 16490-r. S. No. E-1924.)**

On January 14, 1920, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3½ dozen bottles of Oculum oil at Pineora, Ga., alleging that the article had been shipped by the Hancock Inoculatum Co., Inc., Salem, Va., November 6, 1919, and transported from the State of Virginia into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of turpentine oil with a small amount of amber oil and an orange-colored dye.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding its curative and therapeutic effect, appearing upon the labels of the bottles containing the said article and in the accompanying circular, (bottle) "Oculum Oil" \* \* \* Remedy And Preventive For Hog Cholera," (circular) "Oculum Oil \* \* \* Will Knock The Cholera \* \* \* If a hog has the Cholera, feed 15 drops \* \* \* and also inoculate the hog by injecting 'Oculum Oil' \* \* \* Farmers \* \* \* are bad off for something to check Hog Cholera and since the 'Oculum Oil' you sent \* \* \* has proven to be the solution of the problem I feel safe to recommend it \* \* \* A neighbor lost 20 fine hogs with Cholera last year, and though mine were within four hundred yards of his, I had no sickness. I believe 'Oculum Oil' saved them," were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effect claimed.

On November 6, 1922, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11342. Misbranding of Madame Dean female pills. U. S. v. 18 Packages of Madame Dean Female Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13279. S. No. E-2605.)**

On September 9, 1920, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 18 packages of Madame Dean female pills, remaining unsold in the original packages at Augusta, Ga., alleging that the article had been shipped by Martin Rudy, Lancaster, Pa., on or about June 23, 1916, and transported from the State of Pennsylvania into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Box and wrapper) "Female Pills \* \* \* give relief in Female Disorders of the menstrual functions \* \* \* for Painful, Irregular and Scanty Menstruation;" (booklet) "\* \* \* irregular, prolonged, or suppressed menstruation \* \* \* Female Pills afford relief for these ailments

\* \* \* a remedy intended solely for the relief of Amenorrhoea, Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system \* \* \* especially valuable in the functional changes \* \* \* of the menopause or change of life \* \* \* act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring, the menstrual or monthly periods \* \* \* strengthen and build up the uterine function;" (circular) "\* \* \* a great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel \* \* \* for irregular \* \* \* scanty or suppressed menstruations \* \* \* should be taken \* \* \* to assist nature with those disorders that usually attend them during the change of life period \* \* \* Continue with the treatment until they give relief \* \* \* great relief from Pains or Headache \* \* \* for suppressed Menstruation \* \* \* continue their use until relieved \* \* \* take \* \* \* until the menstrual flow commences again."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained quinine, aloes, iron sulphate, senecio flowers and herb, ginger, and cornstarch.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing on the said package, booklet, and circular were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On October 11, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11343. Misbranding of phosphorus, nux, and damiana compound. U. S. v. 5 Dozen Bottles of Phosphorus, Nux, and Damiana Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13711. I. S. No. 9211-t. S. No. E-2759.)**

On September 23, 1920, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 dozen bottles of phosphorus, nux, and damiana compound, remaining unsold in the original bottles at Savannah, Ga., alleging that the article had been shipped by Henry S. Wampole Co., Baltimore, Md., on or about June 5, 1920, and transported from the State of Maryland into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton and bottle) "For an exhausted nervous system, Nervous weakness and Lost Vitality, Impotence, Insomnia, Hysteria, Nervous Depression and other Diseases of the Brain and Nerves Of Both Sexes \* \* \* Renewing Strength, Restoring Lost Vitality and Increasing all the Physical Powers."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of alkaloids of nux vomica, damiana extractives, phosphorus, and celery, in alcohol and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing on the carton and bottle containing the article were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed.

On March 6, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11344. Adulteration and misbranding of Honey Boy brand nonalcoholic cordial. U. S. v. 10 Kegs of Honey Boy Brand Nonalcoholic Cordial. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13963. I. S. Nos. 9228-t, 9229-t. S. No. E-2883.)**

On October 29, 1920, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 kegs of Honey Boy brand nonalcoholic cordial, remaining unsold in the original packages at Brunswick, Ga., alleging that the article had been shipped by the Honey Boy Cordial Co., St. Louis, Mo., on or about October 19, 1920, and transported from the State of Missouri into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Keg) "Honey Boy Brand 16 Gallons Non-Alcoholic Cordial Razzle Dazzle \* \* \* Manufactured By The Honey Boy Cordial Co. St. Louis, Mo. New Orleans, La."

Adulteration of the article was alleged in substance in the libel for the reason that an artificially colored solution of glucose and saccharin had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was colored in a manner whereby damage or inferiority was concealed, and for the further reason that it contained an added poisonous and deleterious ingredient, saccharin, which might render said article injurious to health.

Misbranding was alleged for the reason that the statement on the label, "Honey Boy Brand Non-Alcoholic Cordial," was false and misleading and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, cordial.



On March 6, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11345. Misbranding of herbs. U. S. v. John J. Cowan (Rheumatism Herb Co.). Plea of guilty. Fine, \$11. (F. & D. No. 14930. I. S. No. 10440-t.)**

On October 3, 1921, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John J. Cowan, trading as the Rheumatism Herb Co., Santa Monica, Calif., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about November 9, 1920, from the State of California into the State of Colorado, of a quantity of herbs which were misbranded. The article was labeled in part: "One pound Herbs \* \* \* Rheumatism Herb Co. Venice, California."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of the dried and moldy leaves of a species of eucalyptus.

Misbranding of the article was alleged in substance in the information for the reason that certain statements regarding the curative and therapeutic effects of the said article, appearing on the packages containing the same, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for rheumatism and for all kidney affections, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the statements, to wit, "One pound Herb" and "An Herb," borne on the said package, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article consisted wholly of herbs, whereas, in truth and in fact, the said article did not consist wholly of herbs, but did consist of eucalyptus leaves.

On February 5, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$11.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11346. Adulteration and misbranding of butter. U. S. v. 30 Cases and 30 Cases of Butter. Consent decree of condemnation. Product released under bond. (F. & D. No. 16346. I. S. Nos. 8188-t, 8189-t. S. No. E-3883.)**

On May 27, 1922, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 30 cases of Sunlight creamery butter and 30 cases of Pioneer creamery butter, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Cumberland Valley Creamery, Inc., from Nashville, Tenn., May 16, 1922, and transported from the State of Tennessee into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Carton) "One Pound Net Sunlight Creamery Butter." The remainder of the said article was labeled in part: (Carton) "One Pound Net Pioneer Creamery Butter."

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statements on the labels of the cartons containing the said article, "Butter" and "One Pound Net," were false and misleading since the article was not pure butter and the packages did not contain 1 pound net but contained less than that amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 20, 1922, the Cudahy Packing Co., Inc., claimant, having admitted the allegations in the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$215.40, in conformity with section 10 of the act, conditioned in part that it be reworked and relabeled under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11347. Adulteration and misbranding of canned tomatoes. U. S. v. 1,000 Cases, et al., of Canned Tomatoes. Consent decrees entered providing for release of product under bond.** (F. & D. Nos. 15488, 15489, 15490, 15491, 15521. I. S. Nos. 9310-t, 9313-t, 9317-t. S. Nos. E-3612, E-3627.)

On October 22 and November 1, 1921, respectively, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,800 cases of canned tomatoes, remaining unsold in the original packages at Savannah, Ga., alleging that the article had been shipped by D. E. Foote & Co., Inc., Baltimore, Md., September 9, 1921, and transported from the State of Maryland into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "'Fox' \* \* \* Brand" (or "Compass Brand") "Tomatoes \* \* \* Packed by D. E. Foote & Co. Inc. Baltimore, Md."

Adulteration of the article was alleged in the libels for the reason that added purée, pulp and juice from skins and cores, and water had been mixed and packed with and substituted for the said article, to wit, tomatoes. Adulteration was alleged for the further reason that the article was mixed and packed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements, "'Fox' \* \* \* Brand Tomatoes" or "Compass Brand Tomatoes," as the case might be, together with the design of a red tomato, appearing on the said labels, were false and misleading and deceived and misled the purchaser for the reason that the contents of the said cans was not made up solely of the article represented by said label, but the said article had mixed therewith purée, pulp and the juice from skins and cores of tomatoes, and water. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of an article other than that contained in the said cans, that is, the contents of the said cans was offered for sale as tomatoes and not as tomatoes mixed with other substances.

On December 10, 1921, D. E. Foote & Co., Inc., Baltimore, Md., claimant, having filed an answer admitting the allegations of the libel and praying the release of the product to be relabeled under the supervision of this department, judgments of the court were entered ordering that the said product be released to the claimant upon the execution of bonds in the aggregate sum of \$1,285.30, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture*

**11348. Misbranding and alleged adulteration of canned oysters. U. S. v. 529 Cases of Oysters. Decree of condemnation and forfeiture. Product released upon deposit of collateral.** (F. & D. No. 17090. I. S. Nos. 8302-v, 7800-v. S. Nos. W-1261, W-1262.)

On or about December 29, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 529 cases of oysters at Tacoma, Wash., alleging that the article had been shipped by the Dunbar-Dukate Co., from New Orleans, La., in part March 6 and in part September 29, 1922, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: "Buck Oysters Standard Packed by Dunbar-Dukate Co. New Orleans, La. Biloxi, Miss \* \* \* Net Contents 10 Ounces Oyster Meat." The remainder of the said article was labeled in part: "Imperial Brand High Grade Packed By Dunbar-Dukate Co. New Orleans, La. Biloxi, Miss. Imperial Brand Cove Oysters Net Contents 8 Ounces Oyster Meat."

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed with and substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement, "Net Contents 10 Ounces Oyster Meat," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 13, 1923, the Dunbar-Dukate Co., Inc., New Orleans, La., having entered an appearance as claimant for the property and having confessed judgment, a decree of condemnation and forfeiture was entered, the court finding



the product to be misbranded, and it was ordered that the product be released to said claimant upon payment of the costs of the proceedings and the deposit of a certified check in the sum of \$3,120 to secure compliance with the law, in lieu of the bond provided for by section 10 of the act, and it was further ordered by the court that the product be relabeled under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11349. Misbranding of flour. U. S. v. 840 Sacks of Flour. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17309. I. S. Nos. 1465-v, 1466-v. S. No. E-4317.)**

On February 28, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia, holding a district court, a libel for the seizure and condemnation of 840 sacks of flour at Washington, D. C., consigned from Salina, Kans., alleging that the article had been shipped by the Robinson Milling Co., in part on or about December 25 and in part on or about December 27, 1922, and transported from the State of Missouri [Kansas] into the District of Columbia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "140 Lbs. When packed Robin's Best Flour The Robinson Milling Co. Salina, Kansas U. S. A. Bleached."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "140 Lbs.," borne on each of the sacks containing the article, was false and misleading in that the said statement represented that each of the said sacks contained 140 pounds of flour, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 140 pounds of flour, whereas, in truth and in fact, each of said sacks did not contain 140 pounds of flour. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On March 2, 1923, R. G. Henkelman, manager of the Rice-Schmidt Baking Co., Washington, D. C., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,000, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11350. Adulteration and misbranding of red kidney beans. U. S. v. 43 Cases of Red Kidney Beans, So-Called. Default decree of condemnation and forfeiture. Product ordered delivered to charitable institution. (F. & D. No. 12215. I. S. No. 15978-r. S. No. E-1995.)**

On March 12, 1920, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 43 cases of red kidney beans, remaining unsold in the original unbroken packages at Harrisburg, Pa., alleging that the article had been shipped by George Van Camp & Sons Co., Westfield, Ind., on or about December 30, 1919, and transported from the State of Indiana into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Geo. Van Camps Red Kidney Beans Contents 1 Lb. 4 Oz. Packed By Geo. Van Camp & Sons Co. Westfield, Ind."

Adulteration of the article was alleged in the libel for the reason that long cranberry beans had been mixed and packed with and substituted wholly or in part for red kidney beans.

Misbranding was alleged for the reason that the said label bore the statement, "Red Kidney Beans," which statement was false and misleading and deceived and misled the purchaser since the said product consisted in whole or in part of long cranberry beans. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale and sold under the distinctive name of another article.

On December 14, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that it be delivered to a public or charitable institution for food purposes.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

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# United States Department of Agriculture.

## SERVICE AND REGULATORY ANNOUNCEMENTS.

### BUREAU OF CHEMISTRY.

### SUPPLEMENT.

N. J. 11351-11400.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., July 28, 1923.]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**11351. Misbranding of black olives. U. S. v. Thomas Nasiacos, James Mollars, and Harry Kokenes (Nasiacos Importing Co.). Pleas of guilty. Fine, \$50.** (F. & D. No. 14918. I. S. No. 1995-t.)

On January 25, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas Nasiacos, James Mollars, and Harry Kokenes, copartners, trading as Nasiacos Importing Co., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about September 24, 1920, from the State of Illinois into the State of Michigan, of a quantity of black olives which were misbranded. The article was labeled in part: "Kalamata Brand Black Olives in Olive Oil Imported & Packed Special by Nasiacos Importing Co. \* \* \* Chicago, Ill."

Examination of the article by the Bureau of Chemistry of this department showed that they were South American olives.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Kalamata \* \* \* Black Olives," borne on the cans containing the said article, regarding the article, was false and misleading in that it represented that the said article consisted of black olives from Kalamata, in the kingdom of Greece, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was an article consisting of black olives from Kalamata, in the kingdom of Greece, whereas, in truth and in fact, it was not an article consisting of black olives from Kalamata, in the kingdom of Greece, but did consist of an article produced in South America. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 13, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11352. Adulteration of filberts. U. S. v. 4 Bags of Filberts. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15741. I. S. Nos. 11138-t, 11141-t, 11146-t. S. No. W-1036.)

On December 22, 1921, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 4 bags of filberts, remaining unsold in the original unbroken packages at Denver, Colo., consigned by William A. Camp & Co., New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or

about June 3, 1921, and transported from the State of New York into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy and decomposed vegetable substance.

On January 26, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11353. Misbranding of Abbott Bros. compound for rheumatism. U. S. v. 14 Bottles of Abbott Bros. Compound for Rheumatism. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16270. S. No. C-3589.)**

On May 13, 1922, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 14 bottles of Abbott Bros. compound for rheumatism at Lincoln, Nebr., alleging that the article had been shipped by the Abbott Bros. Co., Berwyn, Ill., on or about October 26, 1921, and transported from the State of Illinois into the State of Nebraska, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "\* \* \* for Rheumatism;" (carton) "\* \* \* for Rheumatism \* \* \* Muscular, Articular, Inflammatory \* \* \* Sciatica, Rheumatic Neuritis, and Stiffness and Soreness of the Joints and Muscles \* \* \* Lumbago and all Muscular and Nerve Pains of Rheumatic Origin;" (circular) "For Rheumatism."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of 8 per cent of potassium iodid, 1.5 per cent of extracts of plant drugs including colchicum, 16.9 per cent of alcohol, and approximately 73 per cent of water, flavored with small amounts of aromatics, including methyl salicylate.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 13, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11354. Misbranding of olive oil. U. S. v. Nickitas P. Economou (N. P. Economou & Theodos). Plea of guilty. Fine, \$1,000. (F. & D. No. 16846. I. S. Nos. 5086-t, 6415-t, 6493-t, 6500-t, 6962-t.)**

At the February, 1923, term of the United States District Court, within and for the Southern District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against Nickitas P. Economou, trading as N. P. Economou & Theodos, New York, N. Y., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about April 30, May 11, and May 12, 1921, respectively, from the State of New York into the States of Massachusetts, New Jersey, and Pennsylvania, respectively, of various quantities of olive oil which was misbranded. The article was labeled in part: (Cans) "Rigoletto Brand \* \* \* Virgin Pure Olive Oil \* \* \* Net Contents 1 Gal." (or "Net Contents  $\frac{1}{2}$  Gal." or "Net Contents 1 Qt.").

Examination by the Bureau of Chemistry of this department of a sample taken from each of the consignments showed that the said cans contained less of the article than the quantity declared on the labels thereof.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Net Contents 1 Gal.," "Net Contents  $\frac{1}{2}$  Gal.," and "Net Contents 1 Qt.," borne on the respective-sized cans containing the said article, regarding the article, were false and misleading in that the said statements represented that each of the said cans contained one gallon, one-half gallon or one quart net of the said article, as the case might be, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained one gallon, one-half gallon, or one quart net of the said article, as the case might be,



whereas, in truth and in fact, each of said cans did not contain the amount declared on the labels thereof but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 8, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$1,000.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11355. Adulteration of canned salmon. U. S. v. 152 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16995. I. S. Nos. 7750-v, 7777-v. S. No. W-1245.)**

On November 23, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 152 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the A. & P. Products Corp., from Heceta Island, Alaska, on or about October 12, 1922, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Spartan Brand Med. Red Alaska Salmon Talls \* \* \* A. & P. Products Corp. Seattle, Washington."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a decomposed and putrid animal substance.

On January 15, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11356. Misbranding of canned oysters. U. S. v. 26 Cases, et al., of Oysters. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16999. I. S. Nos. 7609-v, 7611-v, 7612-v. S. No. W-1243.)**

On or about November 29, 1922, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 26 cases of 5-ounce cans, 89 cases of 4-ounce cans, and 35 cases of 8-ounce cans of oysters, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Pelican Lake Oyster & Packing Co., Houma, La., alleging that the article had been shipped from Pass Christian, Miss., on or about January 13, 1922, and transported from the State of Mississippi into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, variously: (Cans) "'Pelican Lake' Brand Selected Oysters \* \* \* Contents 5 Oz.;" "'Indian Bay' Brand Oysters \* \* \* Contents 4 Oz.;" "'Indian Bay' Brand Oysters \* \* \* Contents 8 Oz." The cans were further labeled: "Packed by Pelican Lake Oyster & Packing Co. Ltd., Houma, La."

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged for the reason that the statements, "Contents 5 Oz.," "Contents 4 Oz.," and "Contents 8 Oz.," on the respective cans, were false and misleading and deceived and misled the purchaser in that the net contents of the said cans was less than 5 ounces, 4 ounces, and 8 ounces of oysters, respectively. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On or about March 5, 1923, the Nave-McCord Mercantile Co., Denver, Colo., having entered an appearance as claimant for the property and having admitted the material allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11357. Adulteration of shell eggs. U. S. v. 5 Cases of Eggs. Default decree of condemnation and forfeiture. Bad portion destroyed and the good portion sold.** (F. & D. No. 17179. I. S. No. 7649-v. S. No. W-1276.)

On or about January 3, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 5 cases of eggs, remaining unsold in the original unbroken packages at Denver, Colo., consigned by Stires [Roy E. Stires], Atwood, Kans., alleging that the article had been shipped from Atwood, Kans., on or about December 21, 1922, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Stires Atwood, Ks."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On or about February 23, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the bad portion of the said article be destroyed and the good portion sold by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11358. Adulteration of shell eggs. U. S. v. 34 Cases of Eggs. Default decree of condemnation and forfeiture. Bad portion destroyed and good portion sold.** (F. & D. No. 17198. I. S. No. 7648-v. S. No. W-1282.)

On or about January 4, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 34 cases of eggs, consigned by the Elkhart Poultry & Egg Co., Elkhart, Kans., remaining unsold in the original unbroken packages at Denver, Colo., alleging that the article had been shipped from Elkhart, Kans., in various consignments, namely, on or about August 28, August 31, September 3, and September 5, 1922, respectively, and transported from the State of Kansas into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From The Elkhart Poultry and Egg Co. \* \* \* Elkhart, - Kansas."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On February 23, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the bad portion of the said article be destroyed and the good portion sold by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11359. Adulteration of frozen mixed eggs. U. S. v. 172 Crates of Frozen Mixed Eggs. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17274. I. S. No. 4176-v. S. No. C-3880.)

On or about February 9, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 172 crates of frozen mixed eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Westcott & Winks [Wescott & Winks], from Sumner, Iowa, August 25, 1922, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On March 8, 1923, Wescott & Winks, claimant, having admitted the material allegations in the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department, the bad portion destroyed and the good portion released.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**11360. Misbranding of Tekol. U. S. v. Frederick J. Rief (Colonial Tablet Co.). Plea of nolo contendere. Fine, \$25. (F. & D. No. 11965. I. S. No. 14180-r.)**

On March 9, 1920, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Frederick J. Rief, trading as the Colonial Tablet Co., Boston, Mass., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about April 28, 1919, from the State of Massachusetts into the State of New Jersey, of a quantity of Tekol which was misbranded. The article was labeled in part: "Tekol \* \* \* Distributed by Colonial Tablet Co. Fred'k J. Rief, Proprietor Boston Mass."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained ground celery seed and cocoa with 0.4 grain of caffeine in each tablet.

Misbranding of the article was alleged in substance in the information for the reason that certain statements appearing in the circular accompanying the said article, regarding its therapeutic and curative effects, falsely and fraudulently represented the said article to be effective as a treatment, remedy, and cure for poor circulation, catarrh, rheumatism, kidney and bladder troubles, indigestion, dyspepsia, diseases of the heart, brain, and nerves, despondency or blues, nervousness, nervous headache, lack of vigor or vitality, and insomnia, when, in truth and in fact, it was not.

On March 2, 1923, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11361. Adulteration of coal-tar color. U. S. v. 15 Pounds and 8 Pounds of Coal-Tar Coloring. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14425, 14578. I. S. Nos. 1707-t, 1708-t, 4772-t. S. Nos. C-2780, C-2830.)**

On March 22 and April 21, 1921, respectively, the United States attorney for the Northern District of Texas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 23 pounds of coal-tar coloring, in part at Weatherford, Tex., and in part at Fort Worth, Tex., consigned May 6, 1920, alleging that the article had been shipped in part by W. B. Wood and in part by the W. B. Wood Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "No. 538" (or "No. 92") "10 lbs. Net W. B. Wood Mfg. Company Manufacturing Chemists 106 So. 4th Street St. Louis, Mo. Red  $\frac{1}{4}$  pound Soluble in 1 gallon warm water. Do not use Boiling water."

Adulteration of the article was alleged in substance in the libel filed, with respect to a portion of the said article, for the reason that sodium chlorid had been mixed and packed with and substituted therefor, and for the further reason that the article contained an added poisonous and deleterious ingredient, arsenic, which might render it injurious to health. It was alleged in substance in the libel filed, with respect to the remainder of the said article, that it was in violation of section 7 of the said act, paragraphs first, second, and fifth under food, in that it contained an excessive amount of sodium chlorid and an added poisonous or deleterious ingredient, arsenic, which might render it injurious to health.

On February 12, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11362. Adulteration and misbranding of butter. U. S. v. 108 Tubs of Butter. Decree of condemnation and forfeiture. Product released upon deposit of collateral. (F. & D. No. 16518. I. S. No. 1506-v. S. No. E-4148.)**

On September 11, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 108 tubs of butter, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by Frank Sweeney, Chicago, Ill., in part on or about August 11 and in part on

or about August 16, 1922, and transported from the State of Illinois into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the said article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, butter.

On March 9, 1923, the Jim Falls Cooperative Butter & Cheese Co., Jim Falls, Wis., having entered an appearance as claimant for the property and having deposited \$500 collateral to secure compliance with the law, in lieu of the bond provided for by section 10 of the act, it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11363. Adulteration and misbranding of preserves, jams, and jellies. U. S. v. 37 Cases of Assorted Preserves, et al. Consent decree of condemnation and forfeiture. Products released under bond.** (F. & D. No. 16829. I. S. Nos. 7567-v, 7568-v, 7569-v, 7570-v, 7571-v, 7572-v, 7573-v, 7574-v, 7575-v, 7576-v, 7577-v, 7578-v, 7579-v, 7580-v. S. No. W-1214.)

On September 29, 1922, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 37 cases of assorted preserves, 140 cases of assorted jams, and 55 cases of assorted jellies, remaining unsold in the original unbroken packages at Denver, Colo., consigned by Temtor Corn & Fruit Products Co., Carondelet, Mo., alleging that the articles had been shipped from St. Louis, Mo., on or about October 20, 1921, and transported from the State of Missouri into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled variously, in part: (Jars) "Harvester Brand Preserves Apple Blackberry" (or "Apple Pineapple," "Apple Peach," "Apple Raspberry," "Apple Plum," or "Apple Strawberry") "Contents 1 Lb. Temtor Corn & Fruit Products Co. St. Louis;" "Tre-Vyn Brand Jam Apple Strawberry" (or "Apple Raspberry") " \* \* \* Contents 2 Lbs. 11 Ozs. Temtor Corn & Fruit Products Co. St. Louis;" "Contents 1 Lb. Harvester Brand Jelly Apple-Grape" (or "Apple," "Apple-Raspberry," "Apple-Strawberry," "Apple-Blackberry" or "Apple-Plum") "Temtor Corn & Fruit Products Co. St. Louis."

Adulteration of the articles was alleged in substance in the libel for the reason that products composed of pectin, sugar, and phosphoric acid, and in the case of certain of the products, the additional ingredient, corn sirup, had been mixed and packed with and substituted wholly or in part for the respective articles. Adulteration was alleged for the further reason that all of the said jams and preserves and the apple-grape, apple-raspberry, apple-strawberry, apple-blackberry, and apple-plum jellies were colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements, "Apple Blackberry," "Apple Pineapple," "Apple Peach," "Apple Raspberry," "Apple Plum," and "Apple Strawberry," on the respective containers of the preserves, the statements, "Apple Strawberry" and "Apple Raspberry," on the respective containers of the jam, and the statements, "Apple-Grape," "Apple-Raspberry," "Apple-Strawberry," "Apple-Blackberry," "Apple," and "Apple-Plum," on the respective containers of the jellies, were false and misleading and deceived and misled the purchaser thereof. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive name of other articles. Misbranding was alleged with respect to the said jellies for the further reason that they were [food] in package form, and the quantity of the contents was not plainly and specifically [conspicuously] marked upon the outside of the packages.

On March 20, 1923, the Yoelin Bros. Mercantile Co., Denver, Colo., claimant, having admitted the allegations of the libel with respect to the adulteration and misbranding of the product and having consented to the entry of a decree,



judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said products be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$900, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11364. Adulteration and misbranding of canned oysters. U. S. v. 28 Cases, et al., of Cove Oysters. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 16980, 16981, 16982. I. S. Nos. 7628-v, 7629-v, 7630-v, 7631-v, 7666-v, 7667-v. S. No. W-1233.)

On or about November 20, 1922, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 174 cases of 4-ounce cans, 61 cases of 8-ounce cans, and 19 cases of 10-ounce cans of oysters, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Sea Food Co., Gulfport, Miss., alleging that the article had been shipped from Gulfport, Miss., on or about May 1, 1922, and transported from the State of Mississippi into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Cans) "Darling Brand \* \* \* Cove Oysters Packed By Sea Food Co. Biloxi, Miss. U. S. A. Contents 4 Ozs." (or "Contents 8 Ozs.") "Oysters." The remainder of the article was labeled in part: (Cans) "Konisur Brand \* \* \* Cove Oysters Packed By Sea Food Co. Biloxi, Miss., U. S. A. Contents 10 Ounces."

Adulteration of the article was alleged in the libels for the reason that water or brine had been mixed and packed with and substituted in part for the said article.

Misbranding was alleged in substance for the reason that the statements, "Contents 4 Ozs. Oysters," "Contents 8 Ozs. Oysters," and "Contents 10 Ounces Oysters," appearing on the labels of the respective-sized cans, were false and misleading and deceived and misled the purchaser for the reason that the net contents of each of the said cans was less than 4 ounces, 8 ounces, or 10 ounces, as the case might be. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the said package.

On March 5, 1923, the P. S. Hessler Mercantile Co., the J. S. Brown Mercantile Co., and the Yoelin Bros. Mercantile Co., all of Denver, Colo., having entered their appearance as claimants for respective portions of the property and having admitted the material allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be delivered to the said claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$750, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11365. Adulteration and misbranding of canned oysters. U. S. v. 1,200 Cases of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17033. I. S. No. 7887-v. S. No. W-1251.)

On December 14, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1,200 cases of canned oysters, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Dunbar-Dukate Co., Inc., New Orleans, La., September 16, 1922, and transported from the State of Louisiana into the State of Oregon, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Fountain Brand \* \* \* Oysters Net Contents 5 Oz."

Adulteration of the article was alleged in the libel for the reason that excessive water or brine had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for oysters of good commercial quality.

Misbranding was alleged for the reason that the statement, "Net Contents 5 Oz.," was false and misleading and deceived and misled the purchaser.

Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 23, 1922, the Dunbar-Dukate Co., Inc., New Orleans, La., having entered an appearance as claimant for the property and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$3,800, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11366. Adulteration of shell eggs. U. S. v. 400 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17098. I. S. No. 3874-v. S. No. C-3844.)**

On or about December 8, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Missouri Egg & Produce Co. [Missouri Egg & Poultry Co.], Harrisonville, Mo., March 10, 1922, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On December 15, 1922, George W. Frey, trading as George W. Frey Co., Mendota, Ill., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the said product be candled under the supervision of this department, the bad portion destroyed and the good portion released.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11367. Adulteration and misbranding of assorted jellies. U. S. v. 5 Cases of Currant and Apple Jelly, et al. Consent decrees of condemnation and forfeiture. Products released under bond. (F. & D. Nos. 17194, 17254. I. S. Nos. 8203-v, 8204-v, 8205-v, 8206-v, 8207-v, 8208-v, 8209-v, 8210-v, 8224-v, 8225-v, 8226-v, 8227-v, 8230-v, 8231-v, 8232-v, 8233-v, 8234-v, 8235-v, 8236-v. S. Nos. W-1294, W-1312.)**

On January 24 and February 8, 1923, respectively, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 5 cases of currant and apple jelly and 199 cases of assorted jellies, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Kellogg Mfg. Co., Keokuk, Iowa, alleging that the articles had been shipped from Keokuk, Iowa, in part on or about November 10 and in part on or about December 20, 1922, and transported from the State of Iowa into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. Part of the articles were labeled in part: (Cans) "Mount Cross Brand \* \* \* Jelly Currant and Apple \* \* \* Net Contents 9 Lbs. 12 Ozs.;" "Mount Cross Brand \* \* \* Raspberry and Apple Jelly Net Contents 4 Lbs. 8 Ozs." (or "Grape & Apple," "Strawberry and Apple," or "Blackberry & Apple"). The rest of the said articles were labeled in part: (Glasses) "Jonquil Brand \* \* \* Contents 6 Ounces Grape-Apple" (or "Strawberry-Apple," "Currant-Apple," "Cherry and Apple," "Raspberry-Apple," "Blackberry-Apple," "Loganberry and Apple") "Jelly."

Adulteration of the articles was alleged in substance in the libels for the reason that products composed of pectin jellies, and in the case of a portion of the said articles, the additional ingredient, glucose, had been mixed and packed with and substituted wholly or in part for the respective articles.



Adulteration was alleged with respect to all the said articles with the exception of the Mount Cross brand blackberry and apple jelly for the further reason that they were colored in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statements, "Mount Cross Brand \* \* \* Jelly Currant and Apple \* \* \* Net Contents 9 Lbs. 12 Ozs.," "Mount Cross Brand \* \* \* Raspberry and Apple Jelly Net Contents 4 Lbs. 8 Ozs.," or "Grape & Apple," "Strawberry and Apple," or "Blackberry & Apple," as the case might be, and "Jonquil Brand \* \* \* Contents 6 Ounces Grape-Apple Jelly," or "Strawberry-Apple," "Currant-Apple," "Cherry and Apple," "Raspberry-Apple," "Blackberry-Apple," or "Loganberry and Apple," as the case might be, appearing on the respective containers of the said jellies, were false and misleading and deceived and misled the purchaser.

Misbranding was alleged for the further reason that the articles were imitations of and offered for sale under the names of other articles, and for the further reason that the articles were [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On March 20, 1923, the Kellogg Birge Mfg. Co., Keokuk, Iowa, claimant, having admitted the allegations of the libels with respect to the adulteration and misbranding of the products, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the said products be released to the claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11368. Adulteration and misbranding of aletris. U. S. v. 140 Pounds of Aletris. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17285. I. S. No. 2628-v. S. No. E-4308.)**

On February 16, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 140 pounds of aletris, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Anderson-Hillier Co., Inc., New York, N. Y., alleging that the article had been shipped from New York, N. Y., on or about November 27, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Aletris From Anderson-Hillier Co. Inc. Importers & Drug Millers Jersey City, N. J."

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in said National Formulary, official at the time of investigation.

Misbranding was alleged for the reason that the package containing the article bore the statement, "Aletris," regarding the said article and the ingredients and substances contained therein, which was false and misleading.

On March 10, 1923, the H. K. Mulford Co., Philadelphia, Pa., having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant on payment of the costs of the proceedings and the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that it be cleaned under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11369. Adulteration of oranges. U. S. v. 150 Bushels and 375 Bushels of Oranges. Default decrees of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 17362. I. S. Nos. 3315-v, 3316-v. S. No. E-4326.)**

On March 13, 1923, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and on March 15, 1923, amended libels, praying the seizure and condemnation of 525 bushels of oranges at Atlanta, Ga., alleging that the article had been shipped by H. E. Galyean, Florence Villa, Fla., in part on or about February 24 and in part

on or about March 3, 1923, and transported from the State of Florida into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libels as amended for the reason that a substance, to wit, decomposed oranges and tree dried oranges which were inedible, had been mixed with the said article so as to reduce, lower, and injuriously affect its quality. Adulteration was alleged for the further reason that the article consisted in part of a decomposed vegetable substance, to wit, rotten oranges and tree dried inedible oranges.

On March 17, 1923, due notice having been served upon all parties in interest and said parties having disclaimed any intention of resisting the condemnation of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the Salvation Army for use and not for sale.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11370. Adulteration and misbranding of soluble saccharin. U. S. v. Sethness Co., a Corporation. Plea of guilty. Fine, \$150. (F. & D. No. 12464. I. S. Nos. 6064-r, 6143-r, 6144-r, 6895-r.)**

On December 13, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sethness Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, in various consignments, namely, on or about June 14, July 30, and October 8, 1918, respectively, from the State of Illinois into the States of Mississippi, Missouri, and Kansas, respectively, of quantities of soluble saccharin which was adulterated and misbranded. A portion of the article was labeled in part: "Guaranteed under the Food & Drugs Act of June 30, 1906 Sethness Company Chicago, U. S. A. Cosco Brand Soluble Saccharine." The remainder of the said article was labeled in part: "Sethness Company \* \* \* Soluble Saccharine Crystals."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted essentially of insoluble saccharin, soluble saccharin, and sodium bicarbonate.

Adulteration of the article was alleged in the information for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia, official at the time of the investigation of the article, in that said Pharmacopœia provides that soluble saccharin is the soluble salt of benzosulphinide or the sodium salt of saccharin, whereas the said article was a mixture of sodium salt of saccharin, insoluble saccharin or benzosulphinide, and sodium bicarbonate, and the standard of strength, quality, and purity of the said article was not declared on the containers thereof.

Misbranding was alleged for the reason that the statements, to wit, "Soluble Saccharine" and "Guaranteed under the Food & Drugs Act of June 30, 1906," borne on the labels attached to the cans containing a portion of the article, and the statement, to wit, "Soluble Saccharine," borne on the labels attached to the cans containing the remainder thereof, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was soluble saccharin and that a portion thereof conformed to the laws of the United States Government, whereas, in truth and in fact, the said article was not soluble saccharin but was a mixture composed essentially of insoluble saccharin and sodium bicarbonate, and the said portion of the article did not conform to the laws of the United States Government. Misbranding was alleged for the further reason that the article was a mixture composed essentially of insoluble saccharin and sodium bicarbonate, prepared in imitation of and offered for sale and sold under the name of another article, to wit, soluble saccharin.

On February 7, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11371. Misbranding of Haskin's nervine. U. S. v. 43 Bottles of Haskin's Nervine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14457. S. No. C-2800.)**

On February 14, 1921, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and con-



demnation of 43 bottles of Haskin's nervine at Toledo, Ohio, alleging that the article had been shipped by the Haskin Medicine Co., Binghamton, N. Y., in part on or about May 29, 1919, and in part on or about July 13, 1920, and transported from the State of New York into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Nervine The Great Nerve Tonic and Blood Purifier \* \* \* For Liver Complaint, Female Weakness, Nervous Affections, Rheumatism, Kidney Trouble, Dyspepsia, Indigestion \* \* \* Biliousness and Catarrh \* \* \* Nervous Diseases, Pains in the Heart and Shoulders \* \* \* Indigestion, Headache, Heartburn, Loss of Appetite, Dizziness, Numbness, Nausea, Fluttering of the Heart, Faintness, Rheumatism and Kidney Trouble \* \* \* Nervous Prostration and Female Complaints \* \* \* It strengthens the Nerves, Purifies the Blood, Tones up the System, Makes New Rich Blood, Clear Skin and Ensures Perfect Health;" (carton) "Nervine The Great Tonic, Nervine and Blood Purifier \* \* \* It Strengthens the Nerves, Purifies the Blood, Tones Up the System, Makes New, Rich Blood, Clear Skin \* \* \* The Great Nerve And Blood Tonic \* \* \* It acts upon the glandular system, increasing the functional activity of the body, it at once makes known its wonderful power of renovating and enriching the blood, and invigorates the whole system. As a remedy for diseases of the Stomach, Liver and Kidneys, Dyspepsia, Indigestion, Loss of Appetite, Sick Headache, Dizziness, Female Weakness, Nervous Prostration, Emaciation, General Debility, Rheumatism, Heart Trouble, Eruptions of the Skin, Pimples, Boils, Tumors, Scrofulous Affections, Cancerous Tumors [Humors], Salt Rheum, Catarrh, Ringworm, Carbuncles, Ulcers and Sores, Syphilitic Affections, Malaria [Malarial] Poison, Pain in the Bones, or in fact any disease originating from an impure state or low condition of the blood and nerves \* \* \* While eradicating and expelling the germs of disease, it at the same time builds up and invigorates, giving new life and energy to the whole system."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of a sweetened, flavored, and colored solution of Epsom salt.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing on the bottle label and on the carton, regarding the curative and therapeutic effect of the said article, were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 29, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11372. Misbranding of Crane's quinine and tar compound and Crane's liver pills. U. S. v. Crane Medicine Co., a Corporation. Plea of not guilty. Tried to the court. Judgment of guilty. Fine, \$150 and costs. (F. & D. No. 14526. I. S. Nos. 4108-t, 9906-r, 9911-r.)**

On August 10, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Crane Medicine Co., Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, from the State of Illinois into the State of Indiana, on or about October 14, 1919, of a quantity of Crane's liver pills, and on or about March 27 and May 25, 1920, respectively, of quantities of Crane's quinine and tar compound, all of which were misbranded. The articles were labeled in part, respectively: "Crane's QT \* \* \* Quinine and Tar Compound \* \* \* Prepared only by Crane Medicine Co., Chicago;" "Crane's Liver Pills \* \* \* Crane Medicine Co. Sole Distributors Chicago, Illinois."

Analysis of a sample of the quinine and tar compound by the Bureau of Chemistry of this department showed that it consisted essentially of quinine, sodium salicylate, ammonium chlorid, magnesium sulphate, oil of anise, tar, menthol, sodium chlorid, calcium phosphate, sugar, alcohol, and water. Analysis of a sample of the liver pills by said bureau showed that it consisted essentially of aloes and magnesium carbonate, coated with sugar and calcium carbonate, colored orange.

Misbranding of the articles was alleged in substance in the information for the reason that certain statements regarding the therapeutic and curative

effects of the said articles, borne on the cartons or bottles containing the same or in the accompanying circulars, as the case might be, falsely and fraudulently represented that the quinine and tar compound was effective as a treatment, remedy, and cure for all pulmonary troubles, lung trouble, coughs, croup, whooping cough, hoarseness, asthma, all affections of the throat, chest, and lungs, difficult breathing, and sore throat, and that the liver pills were effective as a treatment, remedy, and cure for headache, malaria, sallow complexion, sick headache, indigestion, and dizziness, when, in truth and in fact, the said articles did not contain ingredients or medicinal agents effective for the purposes claimed. Misbranding was alleged for the further reason that the statement, to wit, "No. 27501. Guaranteed by Crane Medicine Co., under the Food and Drugs Act, June 30, 1906," borne on the bottles containing the respective articles, was false and misleading in that it represented that the articles conformed to the Food and Drugs Act of June 30, 1906, whereas the said articles did not conform to the Food and Drugs Act of June 30, 1906.

On March 15, 1923, the defendant company having entered a plea of not guilty to the information and the case having come on for final disposition before the court on an agreed stipulation of facts, judgment was entered finding the defendant company guilty, and the court imposed a fine of \$150 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11373. Misbranding of Crane's kidney pills. U. S. v. Crane Medicine Co., a Corporation. Plea of not guilty. Tried to the court. Judgment of guilty. Fine, \$50 and costs. (F. & D. No. 15061. I. S. No. 9910-r.)**

On January 14, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Crane Medicine Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 16, 1919, from the State of Illinois into the State of Indiana of a quantity of Crane's kidney pills which were misbranded. The article was labeled in part: (Carton) "Crane's Kidney Pills \* \* \* Crane Medicine Co. Sole Distributors Chicago."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of pills containing essentially methylene blue, hexamethylenetetramine, plant material, and iron sulphate, coated with sugar and calcium carbonate.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, appearing on the labels of the bottles containing the said article and on the carton enclosing the said bottles and in the accompanying circular, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for kidney disorders, weak kidneys and congestion of the kidneys, bladder disorders and inflammation of the bladder, effective as a relief for bladder ailments and kidney ailments, effective as a treatment, remedy, and cure for backache, rheumatism, gravel, to purify the blood and cleanse the system, for urinary disorders, sediment or deposit in urine, pains in urinating, sudden stoppage of urine, highly colored or milky white urine, passing blood or mucus in urine, retention of urine, straining after urinating, thick or sluggish urine, scanty urine, frequent calls, and dribbling, for kidney diseases, bladder diseases, stone in the bladder, cystitis, catarrh of bladder, puffiness under eyes, voracious appetite, thirst, dimmed vision, loss of flesh, swollen ankles, catarrh of the bowels, biliousness, lumbago, Bright's disease, diabetes, enlarged prostate gland, gall stones, female weakness, nervousness, headache, and gravel stones, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the statements, to wit, "No. 27501. Guaranteed by Crane Medicine Co., under the Food and Drugs Act, June 30, 1906," borne on the bottles containing the article, were false and misleading in that the said statements represented that the article conformed to the Food and Drugs Act of June 30, 1906, whereas the said article did not conform to the Food and Drugs Act of June 30, 1906.

On March 15, 1923, the defendant company having entered a plea of not guilty and the case having come on for final disposition before the court on an agreed stipulation of facts, judgment was entered finding the defendant company guilty, and the court imposed a fine of \$50 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*



**11374. Misbranding of digester tankage. U. S. v. Edw. J. Butler Co., a Corporation. Plea of guilty. Fine, \$50.** (F. & D. No. 16229. I. S. No. 11572-t.)

On January 2, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Edw. J. Butler Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 25, 1921, from the State of Illinois into the State of Indiana, of a quantity of digester tankage which was misbranded. The article was labeled in part: "Butler's Premium Digester Tankage Guaranteed Analysis Protein 60% \* \* \* Edw. J. Butler & Co. Webster Building, Chicago, Ill."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 54.69 per cent of protein.

Misbranding of the article was alleged in substance in the information for the reason that the statement, to wit, "Edw. J. Butler Company \* \* \* Guarantees this Butler's Premium Digester Tankage to contain not less than \* \* \* 60.0 per cent. of crude protein," borne on the tags attached to the sacks containing the article, and the statement, to wit, "Guaranteed Analysis Protein 60%," borne on each of the said sacks, concerning the article and the amount of crude protein contained therein, were false and misleading in that the said statements represented and guaranteed the said article as containing not less than 60 per cent of crude protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 60 per cent of crude protein, whereas, in truth and in fact, the said article did not contain 60 per cent of crude protein, but did contain a less amount, to wit, approximately 55 per cent of crude protein.

On March 2, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11375. Misbranding of strawberries. U. S. v. Chas. C. Partee. Plea of guilty. Fine, \$20 and costs.** (F. & D. No. 16840. I. S. Nos. 1841-t, 1842-t.)

On January 26, 1923, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Chas. C. Partee, Ripley, Tenn., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about May 15, 1922, from the State of Tennessee into the State of Illinois, of quantities of strawberries in crates which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 3, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20 and costs.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11376. Adulteration and misbranding of vinegar. U. S. v. 54 Barrels and 35 Barrels of Vinegar. Decrees entered by consent ordering release of product under bond for relabeling.** (F. & D. Nos. 16879, 16906. I. S. Nos. 2038-v, 2045-v. S. Nos. E-4196, E-4210.)

On October 18 and November 8, 1922, respectively, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 89 barrels of vinegar, remaining in the original unbroken packages at Sharon, Pa., alleging that the article had been shipped by the Powell Corp., Canandaigua, N. Y., in part on or about October 10 and in part on or about September 18, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made From Apples Reduced to 4% \* \* \* Man'd By The Powell Corp Canandaigua, N. Y."

Adulteration of the article was alleged in the libels for the reason that distilled vinegar and vinegar made from evaporated apple products had been mixed

and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement appearing in the labeling, "Pure Cider Vinegar Made From Apples," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, namely, pure cider vinegar made from apples.

On April 6, 1923, the Powell Corp., Canandaigua, N. Y., having appeared as claimant for the property and having consented to the entry of decrees, judgments of the court were entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,000, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11377. Adulteration and misbranding of frozen eggs. U. S. v. 10 Cans of Frozen Eggs. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17185. I. S. No. 260-v. S. No. E-4286.)

On January 19, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cans of frozen eggs, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Philip Anker, from Jersey City, N. J., on or about January 15, 1923, and transported from the State of New Jersey into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 3, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11378. Adulteration of walnut meats. U. S. v. 9 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17201. I. S. No. 8156-v. S. No. W-1292.)

On January 25, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cases of walnut meats, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Joe Lowe Co., Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., on or about December 4, 1922, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "From Joe Lowe Co. 1101 Mateo St. Los Angeles, Calif."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On March 26, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11379. Adulteration of oranges. U. S. v. 34 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17389. I. S. Nos. 2644-v, 2645-v. S. No. E-4331.)

On March 19, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 34 cases of oranges, remaining in the original unbroken packages at Philadelphia, Pa., consigned by Chester C. Fosgate.



Orlando, Fla., alleging that the article had been shipped from Orlando, Fla., on or about March 8, 1923, and transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Fidelity Brand Fozz Fruits Carefully Graded and Packed \* \* \* Chester C. Fosgate Co. Packers and Shippers of Citrus Fruits Orlando, Florida."

Adulteration of the article was alleged in the libel for the reason that an inedible or dried product had been substituted wholly or in part for edible or juicy product.

On March 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11380. Misbranding of G Zit Complete-Stearns'. U. S. v. 432 Packages of G Zit Complete-Stearns'. Decree of condemnation and forfeiture. Product released to claimants.** (F. & D. No. 10571. I. S. No. 7687-r. S. No. C-1277.)

On June 10, 1919, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 432 packages of G Zit Complete-Stearns', each package containing 1 box of Zit bougies and 9 boxes of Zit Antiseptic-Stearns', at Detroit, Mich., alleging that the article had been shipped by the Stearns-Hollinshead Co., Inc., Portland, Oreg., August 3, 1918, and transported from the State of Oregon into the State of Michigan, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the bougies were composed essentially of cacao butter, silver nucleinate, and zinc phenolsulphonate, and that the antiseptic consisted of capsules containing copaiba, cubeb oleoresin, sulphur, and oil.

Misbranding of the article was alleged in substance in the libel for the reason that certain statements, instructions, and guarantee, appearing in the booklet with reference to the said Zit Complete-Stearns' and on the respective boxes containing the said bougies and antiseptic, falsely and fraudulently represented the article to be effective to destroy the germ of gonorrhea, to enable persons to avoid stricture, to enable gonorrheal patients to cure themselves, and to prevent sexual diseases from spreading from the afflicted, and that if the said treatment were used there would be less chance for complicated lasting disease, whereas, in truth and in fact, the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On September 14, 1920, the Central Drug Co., Detroit, Mich., and the Stearns-Hollinshead Co., Inc., Portland, Oreg., having entered an appearance as claimants for the property and having submitted revised labels for the product, which labels had been found unobjectionable by this department, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the intervenors pay the costs of the proceedings. Bond having been filed, it was directed that the product be released to the said claimants in pursuance with an order of the court entered February 7, 1923.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11381. Misbranding of grapes. U. S. v. California Growers & Shippers, Inc., a Corporation. Pleas of guilty. Fine, \$102.** (F. & D. Nos. 14357, 14519. I. S. Nos. 7555-t, 10399-t.)

On April 25, 1921, the United States attorney for the Southern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the California Growers & Shippers, Inc., a corporation, alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, in two consignments, namely, on or about July 17 and 21, 1920, from the State of California into the States of Pennsylvania and Oregon, respectively, of quantities of grapes which were misbranded. The article was labeled in part: "Nation Bell Brand California's Famous Malaga Grapes Net Weight 26 Lbs. When packed Packed By California Growers & Shippers Inc. Fresno-California."

Examination by the Bureau of Chemistry of this department of a sample from each of the consignments showed in 40 crates of the consignment of July

17 an average weight of 23.6 pounds and in 24 crates of the shipment of July 21 an average weight of 23.8 pounds.

Misbranding of the article was alleged in the informations for the reason that the statement, to wit, "Net Weight 26 Lbs.," borne on the crates containing the article, regarding the said article, was false and misleading in that it represented that the said crates each contained 26 pounds net weight of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said crates contained 26 pounds net weight of the article, whereas, in truth and in fact, each of said crates did not contain 26 pounds net weight of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 5, 1923, pleas of guilty to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate amount of \$102.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11382. Adulteration and misbranding of wheat shorts. U. S. v. Sutherland Flour Mills Co., a Corporation. Plea of not guilty. Tried to the court. Judgment of guilty as to counts 3 and 4, and of not guilty as to counts 1, 2, 5, and 6. Fine, \$200. (F. & D. No. 15453. I. S. No. 9162-t.)**

On November 15, 1921, the United States attorney for the Eastern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sutherland Flour Mills Co., a corporation, Cairo, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 11, 1920, from the State of Illinois into the State of Florida, of a quantity of alleged grey shorts which was adulterated and misbranded. The article was labeled in part, (tag) "Wheat Shorts with Mill Run Ground Screenings \* \* \* Manufactured by Sutherland Flour Mills Co. Cairo, Ill.," and was invoiced as grey shorts.

Examination of the article by the Bureau of Chemistry of this department showed that it consisted of reground bran, ground screenings, and flour. Shorts, if present, were present in a small proportion.

Adulteration of the article was alleged in the first count of the information for the reason that a substance, to wit, reground bran, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength. Adulteration was alleged in the second count for the further reason that a substance, to wit, reground bran, had been substituted wholly or in part for grey shorts, which the article purported to be. Adulteration was alleged in the third count for the further reason that a substance, to wit, reground bran, had been substituted wholly or in part for wheat shorts with mill run ground screenings, which the article purported to be.

Misbranding was alleged in the fourth count of the information for the reason that the article was a product composed wholly or in part of reground bran and was an imitation of and offered for sale under the distinctive name of another article, to wit, grey shorts. Misbranding was alleged in the fifth and sixth counts for the reason that the statement, to wit, "Wheat Shorts with Mill Run Ground Screenings," borne on the tags attached to the sacks containing the article, regarding the article and the substances and ingredients contained therein, was false and misleading in that the said statement represented the article to be wheat shorts with mill run ground screenings, to wit, an article consisting principally of wheat shorts and containing no reground bran, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was wheat shorts with mill run ground screenings, to wit, an article consisting principally of wheat shorts and containing no reground bran, whereas, in truth and in fact, said article contained little or no wheat shorts, but was an article composed wholly or in part of reground bran.

On May 16, 1922, the defendant company having entered a plea of not guilty to the information, the case came on for trial before the court, and after the submission of evidence and arguments by counsel the matter was taken under



advisement by the court which, on Nov. 16, 1922, rendered a judgment of not guilty on counts 1, 2, 5, and 6, and of guilty on counts 3 and 4 and imposed a fine of \$100 and costs on each of the said two counts.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11383. Misbranding of smoked herrings. U. S. v. F. E. Booth Co., a Corporation. Plea of nolo contendere. Fine, \$100. (F. & D. No. 16012. I. S. No. 3389-t.)**

On April 12, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the F. E. Booth Co., a corporation, Pittsburg, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about September 12, 1919, from the State of California into the State of Missouri, of a quantity of smoked herrings which were misbranded. The article was labeled in part: "Booth's Herrings Net Contents 15 Ozs. \* \* \* General Offices San Francisco, Cal. U. S. A. F. E. Booth Co."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the average net weight of 12 cans was 13.6 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents 15 Ozs.," borne on the labels attached to the cans containing the said article, regarding the article, was false and misleading in that it represented that each of said cans contained 15 ounces net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 15 ounces net of the article, whereas, in truth and in fact, each of said cans did not contain 15 ounces net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 29, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11384. Misbranding of chocolates. U. S. v. Schutter-Johnson Candy Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 16204. I. S. Nos. 3589-t, 3590-t.)**

On January 2, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Schutter-Johnson Candy Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about December 2, 1921, from the State of Illinois into the State of Minnesota, of a quantity of chocolates which were misbranded. The article was labeled in part: "Courtship Chocolates Assorted One pound net" (or "Half pound net") "\* \* \* Schutter-Johnson Candy Co. Chicago, U. S. A."

Examination of samples of the article by the Bureau of Chemistry of this department showed that the average net weight of 18 half-pound packages was 7.13 ounces, and that the average net weight of 16 pound packages was 13.19 ounces.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "One pound net" and "Half pound net," borne on the labels attached to the respective-sized packages containing the article, regarding the said article, were false and misleading in that the said statements represented that each of said packages contained one pound net or one-half pound net, as the case might be, of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said packages contained one pound net or one-half pound net, as the case might be, of the said article, whereas, in truth and in fact, each of said packages did not contain one pound net or one-half pound net, as the case might be, of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 2, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11385. Misbranding of Craemer's celebrated compound. U. S. v. 17 Bottles of Craemer's Celebrated Compound. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16327. I. S. No. 23443-t. S. No. C-3634.)**

On or about May 27, 1922, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 bottles of Craemer's celebrated compound at Hillsboro, Kans., alleging that the article had been shipped by the Wm. Craemer Medicine Co., St. Louis, Mo., on or about February 16, 1922, and transported from the State of Missouri into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was an aqueous solution of sodium, potassium, ammonium, and lithium phosphate, citrate, salicylate, and chlorid and extract of ginger, sweetened with saccharin and colored with caramel.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding its curative and therapeutic effect, appearing on the labels of the bottles and cartons containing the article, to wit, "For \* \* \* Gall Stones, Stones in Kidneys, Stones in the Urinary Bladder, Liver, Kidney, Bladder, Stomach and Bowel Complaints \* \* \* Thickened Bile, Bilious Colic \* \* \* Sallow Complexion. Dizziness, Renal or Kidney Colic \* \* \* Painful Urination, Loss of Appetite," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of the purchasers thereof the impression and belief that it was composed of or contained ingredients or medicinal agents capable of producing the therapeutic effects claimed, when, in truth and in fact, it contained no ingredients or combination of ingredients capable of producing such effects.

On January 10, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11386. Adulteration and misbranding of butter. U. S. v. 71 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16517. I. S. Nos. 1516-v, 1517-v, 1518-v, 1519-v, 1520-v, 1521-v, 1522-v, 1523-v, 1524-v. S. No. E-4171.)**

On September 14, 1922 the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 71 tubs of butter, remaining unsold in the original unbroken packages at Providence, R. I., alleging that the article had been shipped by the Bridgeman-Russell Co., Duluth, Minn., on or about August 11, 1922, and transported from the State of Minnesota into the State of Rhode Island, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive water, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted in part for butter, which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, butter.

On March 1, 1923, the Bridgeman-Russell Co., Duluth, Minn., having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11387. Adulteration of chloroform. U. S. v. 100 Cans of Chloroform. Default decree of condemnation and forfeiture. Product disposed of according to law. (F. & D. No. 16575. I. S. No. 13971-t. S. No. W-1132.)**

On July 5, 1922, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure



and condemnation of 100 cans of chloroform, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Powers-Weightman-Rosengarten Co., alleging that the article had been shipped from St. Louis, Mo., January 12, 1922, and transported from the State of Missouri into the State of California, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "One Pound \* \* \* Chloroform U. S. P. Contains about 1 per cent. Alcohol \* \* \* Powers-Weightman-Rosengarten Co. Philadelphia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid and contained chlorid and impurities decomposable by sulphuric acid.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation.

On July 25, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be disposed of according to law.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11388. Adulteration and misbranding of jellies. U. S. v. 5 Kits of Raspberry Apple Jelly, (et al. Default decrees of condemnation, forfeiture, and sale. (F. & D. Nos. 17100, 17174. I. S. Nos. 7638-v, 7640-v, 7650-v. S. Nos. W-1268, W-1280.)**

On or about January 27, 1923, the United States attorney for the District of Colorado, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 12 kits of raspberry apple jelly, 1 kit of apple jelly, and 1 barrel of apple jelly, remaining in the original unbroken packages at Denver, Colo., consigned by the Universal Carloading & Distributing Co., Chicago, Ill., acting for Chapman & Smith Co., Chicago, Ill., with respect to a portion of the said product, alleging that the articles had been shipped from Chicago, Ill., in various consignments, namely, on or about September 15, November 12, and December 22, 1922, and transported from the State of Illinois into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Manufactured By Chapman & Smith Company Chicago."

Adulteration of the articles was alleged in the libels for the reason that a product composed of pectin, glucose, phosphoric acid, and coal-tar dye had been mixed and packed with and substituted wholly or in part for the said articles. Adulteration was alleged for the further reason that the articles were colored in a manner whereby inferiority was concealed.

Misbranding was alleged in substance for the reason that the statements, "Tip-Top Corn Syrup Raspberry Apple Jelly Contains Phosphoric Acid," "Tip-Top Corn Syrup Apple Jelly Contains Phosphoric Acid Artificially Colored," "Rolling Pin Brand \* \* \* Sugar Raspberry Apple Jelly Contains Phosphoric Acid," and "Rolling Pin Brand Corn Syrup Sugar Apple Jelly \* \* \* Phosphoric Acid Artificially Colored," borne on the kits or barrel, as the case might be, containing the said articles, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On March 30, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be sold by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11389. Adulteration of sauerkraut. U. S. v. 20 Cases of Canned Sauerkraut. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17110. I. S. No. 2589-v. S. No. E-4260.)**

On January 9, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 cases of canned sauerkraut, remaining in the original unbroken packages at Lancaster, Pa., consigned by the W. H. Killian Co.,

Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., on or about November 21, 1922, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Killian's Kuality Sauer Kraut Contents 1 Lb. 13 Oz. \* \* \* Packed By W. H. Killian Co. Baltimore, U. S. A."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive brine, had been mixed and packed with and substituted in whole or in part for sauerkraut, which the said article purported to be.

On February 9, 1923, William H. Trost, Lancaster, Pa., agent for the manufacturer, having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11390. Adulteration and misbranding of acetanilid compound and headache powders. U. S. v. Moore & Co., Inc., a Corporation. Plea of nolo contendere. Fine, \$10. (F. & D. No. 11620. I. S. Nos. 12624-r, 12626-r.)**

On March 11, 1920, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Moore & Co., Inc., a corporation, Worcester, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, from the State of Massachusetts into the State of Vermont, on or about September 17, 1917, of a quantity of headache powders, and on or about September 17, 1918, of a quantity of acetanilid compound tablets, both of which were adulterated and misbranded. The articles were labeled in part: "Moore & Co. Worcester, Mass. Compressed Tablets Acetanilid Comp.;" "Moore & Co's. Headache Powders \* \* \* Moore & Co., Inc. \* \* \* Worcester, Mass."

Analysis of a sample of the headache powders by the Bureau of Chemistry of this department showed that it contained 2.37 grains of acetanilid per powder, or 101 grains per avoirdupois ounce. Analysis of a sample of the acetanilid compound tablets showed that it contained 2.89 grains of acetanilid per tablet and 0.34 grain of caffeine per tablet.

Adulteration of the headache powder was alleged in the information for the reason that its strength and purity fell below the professed standard and quality under which it was sold in that it was a product which contained approximately 2.37 grains of acetanilid in each powder and which contained approximately 101 grains of acetanilid per ounce and was sold as a product which contained  $3\frac{1}{2}$  grains of acetanilid in each powder and 164 grains of acetanilid per ounce. Adulteration of the acetanilid compound was alleged for the reason that its strength and purity fell below the professed standard and quality under which it was sold in that it contained approximately 2.89 grains of acetanilid per tablet and 0.34 grain of caffeine alk. per tablet and was sold as a product which contained  $3\frac{1}{2}$  grains of acetanilid per tablet and  $\frac{1}{2}$  of a grain of caffeine alk. per tablet.

Misbranding of the headache powders was alleged for the reason that the statements, to wit, "Powders Each Powder contains  $3\frac{1}{2}$  Acetanilide, 164 grain Acetanilide per ounce," borne on the box containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that each of the said powders contained  $3\frac{1}{2}$  grains of acetanilid and that each ounce of the article contained 164 grains of acetanilid, whereas, in truth and in fact, each of said powders contained less than  $3\frac{1}{2}$  grains of acetanilid, to wit, approximately 2.37 grains of acetanilid, and each ounce of the article contained less than 164 grains of acetanilid, to wit, approximately 101 grains of acetanilid. Misbranding was alleged with respect to the acetanilid compound tablets for the reason that the statements, to wit, "Tablets Acetanilid Comp. \* \* \* Acetanilid  $3\frac{1}{2}$  gr. Caffeine Alk.  $\frac{1}{2}$  gr.," borne on the label attached to the bottle containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that each of said tablets contained  $3\frac{1}{2}$  grains of acetanilid and  $\frac{1}{2}$  of a grain of



caffeine alk., whereas, in truth and in fact, each of said tablets did not contain  $3\frac{1}{2}$  grains of acetanilid and did not contain  $\frac{1}{2}$  of a grain of caffeine alk. but did contain a less amount, to wit, 2.89 grains of acetanilid and 0.34 grain of caffeine alk.

On March 2, 1923, a plea of *nolo contendere* to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11391. Misbranding of Texas Wonder. U. S. v. 30 Bottles and 33 Bottles of Texas Wonder. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 12242, 12850. I. S. Nos. 135-r, 282-r. S. Nos. E-2026, E-2334.)

On March 10 and June 7, 1920, respectively, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 66 bottles of Texas Wonder, remaining unsold in the original packages at Savannah, Ga., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., in part on or about February 21, 1920, and in part on or about May 24, 1920, and transported from the State of Missouri into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "A Remedy For Kidney and Bladder Troubles Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children;" (circular headed "Read Carefully") "In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, guaiac resin, extracts of rhubarb and colchicum, an oil similar to turpentine oil, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing on the carton and in the circular were false and fraudulent since the said article contained no ingredients or combination of ingredients capable of producing the therapeutic effects claimed.

On March 6, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11392. Misbranding of candy. U. S. v. W. G. Baldwin & Co., a Corporation. Plea of nolo contendere. Fine, \$10.** (F. & D. No. 15582. I. S. Nos. 9121-t, 9167-t, 9217-t.)

On January 26, 1922, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against W. G. Baldwin & Co., a corporation, trading at Roanoke, Va., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about October 2, 1920, and April 7, 1921, respectively, from the State of Virginia into the State of Georgia, of quantities of candy which was misbranded. The article was labeled in part: "Old Time — Home Made \* \* \* Martha Washington Candies Hard Centers" (or "Vanilla Jets" or "Chocolate Centers") "Headquarters: 505 12th St., N. W. Washington, D. C.;" (stamped indistinctly on bottom of package with rubber stamp) "Guaranteed Net Weight 7 Ozs. or more" or "Guaranteed Net Weight  $14\frac{1}{2}$  Ozs. or more."

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 14, 1923, a plea of *nolo contendere* to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11393. Misbranding of Sangvin. U. S. v. 33 Bottles and 18 Bottles of Sangvin. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 16883, 16897. I. S. No. 1014-v. S. Nos. E-4199, E-4205.)

On October 25 and 31, 1922, respectively, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the

seizure and condemnation of 51 bottles of Sangvin, remaining in the original unbroken packages at Baltimore, Md., consigned in part April 27, 1922, and in part July 25, 1922, alleging that the article had been shipped in part by the Kells Co., from Newburgh, N. Y., and in part by Dr. M. Spiegel & Sons, Inc., from Albany, N. Y., and transported from the State of New York into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was composed essentially of plant drugs including a laxative drug, sugar, alcohol, glycerin, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements regarding its curative and therapeutic effect, appearing on the labels of the bottles and cartons containing the article and in the accompanying circular, (bottle) "Sangvin \* \* \* For Purifying the Blood And Strengthening the Nerves \* \* \* recommended for Stomach, Liver and Kidney Troubles, Scrofula, Tetter, Hives and other Skin Diseases arising from impure blood," (carton, in English) "Sangvin \* \* \* For Purifying the Blood and Strengthening the Nerves For Stomach, Liver and Kidney Troubles. Scrofula, Tetter, Hives and other skin eruptions arising from impure blood. \* \* \* keep up the treatment \* \* \* until health and strength are restored. \* \* \* to Build Up The Run Down System \* \* \* Sick Headache Exhausted Feeling \* \* \* Lack Of Ambition Loss Of Appetite Sleeplessness Eczema, Boils, Tetter, Sycosis, Pimples and other Skin Eruptions arising from Impure Blood \* \* \* Purify The Blood and Strengthen The Nerves \* \* \* preventing and eliminating diseases arising from impure blood. Nervousness, dyspepsia, disturbed sleep, poor appetite, debilitated tissues, etc.," (carton, in foreign languages) "For Purifying the blood and strengthening the nerves \* \* \* are recommended for maladies of the stomach, liver and kidneys \* \* \* scrofula, eruptions, and other skin affections arising from impure blood," (booklet, in English) "Sangvin for Blood and Nerves \* \* \* Sangvin \* \* \* For Purifying The Blood and Strengthening the Nerves \* \* \* for Stomach, Liver and Kidney Troubles \* \* \* Scrofula, Tetter and Hives or other skin diseases arising from impure blood \* \* \* Blood and Nerve Tonic to build up the run-down system. \* \* \* cleanses the blood of impurities, strengthens the nerves, restores the debilitated tissues, makes good rich blood, induces refreshing sleep and improves the general health. \* \* \* Impure blood weakens the vitality, affects the nervous system, produces various skin disorders, and manifests itself in other ways. Many cases of insanity have been traced to impure blood. The Sooner You Take Sangvin the better off you will be. Don't wait until your disease becomes deep-seated. In its first stages one bottle of Sangvin will put you on your feet again. It is used in thousands of homes with beneficial effect for kidney trouble, weak nerves, deranged stomach, and all diseases arising from and causing impure blood. Even in chronic cases \* \* \* this remedy is used with gratifying results. \* \* \* The Great Blood and Nerve Remedy For Sick headache. Catarrh. Lack of vigor or ambition. \* \* \* Exhausted feeling. Loss of appetite. Sleeplessness. Malaria. La grippe. Indigestion. Kidney disorders. Stomach and liver complaint. Loss of weight. \* \* \* Weakness. Nervousness. Scrofula. Sores. Ulcers. Humors. Abscesses. Carbuncles. Running sores. Pimples. Blotches. Hives. Eczema. Salt Rheum, Tetter or Scales. \* \* \* Remove the cause, purify the blood with Sangvin, and eliminate any of these diseases that may have taken hold of your system. \* \* \* It removes the cause which is at the foundation of these disorders, thereby restoring the general health. \* \* \* the many ills causing and arising from impure blood quickly disappear, and you again enjoy the blessing of perfect health. \* \* \* a tissue and strength builder. \* \* \* a valuable preparation for nursing mothers. \* \* \* Purify The Blood. What You Need is Sangvin, a reconstructive agent to help nature build new tissues, and promote the circulation of pure, rich blood. With pure blood flowing in the veins, skin diseases disappear, the cheeks lose their paleness and sallowness, the eyes become clear and bright. \* \* \* A sallown and pale complexion with a defective skin are a great stumbling block. Use Sangvin. It not only improves the skin but promotes the general health. \* \* \* It increases the vitality, overcomes exhaustion from overwork or worry, builds up the nervous system and acts as a general restorative. If there is an invalid or old person in your home, don't delay. Get a bottle of Sangvin. \* \* \*



Skin Diseases assume a great variety of forms and are liable to attack any part of the body. \* \* \* If the blood is contaminated \* \* \* it brings to the surface boils, carbuncles, abscesses and other skin diseases. \* \* \* Purify The Blood and the ailments which are dependent on the blood will disappear. Scrofula is also the result of impure blood \* \* \*. It is an inflammation of the Bones And Joints, Breaking Out mostly in the glands of the neck and swellings. \* \* \* In order to ease or overcome this deep-seated and morbid disease its source must be searched. \* \* \* Pimples, the same as in other skin diseases, are the result of impure blood. \* \* \* blackheads form \* \* \* Use Sangvin. \* \* \* Don't wait until your pimples become chronic and incurable. The sooner you take Sangvin the better your chances are for overcoming these conditions. Eruptions, Postules, itching sores, redness or hives may be produced by certain disturbing foods or drinks. \* \* \* These conditions lie in the blood and in order to overcome them, regulate the digestion and purify the blood with Sangvin. There is nothing better. Eczema \* \* \* In this case the condition of the bowels and blood must be corrected before it comes [becomes] chronic, and the same treatment as for pimples is recommended. \* \* \* Erysipelas is an infectious disease of the skin and is attended with inflammation. \* \* \* This disease must be attended to promptly, otherwise a red spot is liable to develop into a monster sore. Purify the blood with Sangvin \* \* \* sick headache, nervous dyspepsia \* \* \* loss of appetite \* \* \* the heart \* \* \* Kidney And Bladder Diseases. \* \* \* Unhealthy urine which passes from diseased kidneys into the bladder causes bladder trouble. \* \* \* Sangvin fulfills every hope in purifying the blood, strengthening the kidneys and overcoming these conditions. \* \* \* If you feel debilitated, run down or exhausted use Sangvin. It rebuilds the worn out tissues, promotes the action of the stomach, liver and kidneys, tones up the blood, and makes you well and strong" (some similar statements in foreign languages), were false and fraudulent since the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed. Misbranding was alleged for the further reason that the following statements appearing in the booklet, "The Pure Food and Drugs law requires that the percentage of deleterious substances and narcotics contained in medicines be stated on the label. None of these is stated on the label of Sangvin," were false and misleading in view of the fact that the presence of alcohol was stated on the label.

On February 19, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11394. Adulteration and misbranding of olive oil. U. S. v. John A. Demopoulos and George A. Demopoulos (Tripoli Importing Co.). Pleas of guilty. Fine, \$60. (F. & D. No. 16936. I. S. Nos. 15570-t, 15571-t.)**

On January 24, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John A. Demopoulos and George A. Demopoulos, trading as Tripoli Importing Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, from the State of New York into the State of Connecticut, on or about February 1, 1922, of a quantity of Tripolitania brand oil, and on or about March 10, 1922, of a quantity of Campagna brand olive oil, which were adulterated and misbranded. The articles were labeled in part, respectively: "Net Contents Full Gallon \* \* \* Olio Soprafino \* \* \* A Compound Tripolitania Brand;" "Italian Product Pure Olive Oil Virgin Campagna Brand \* \* \* Net Contents One Full Gallon."

Analysis of a sample of the Tripolitania brand by the Bureau of Chemistry of this department showed that it consisted mostly of cottonseed oil. Examination of 10 cans showed an average volume of 0.968 gallon. Analysis of a sample of the Campagna brand by said bureau showed that it contained an oil or oils other than Italian olive oil. Examination of 7 cans showed an average volume of 0.973 gallon.

Adulteration of the Campagna brand was alleged in the information for the reason that oil or oils other than Italian olive oil had been substituted in whole or in part for Italian olive oil, which the said article purported to be. Adulteration of the Tripolitania brand was alleged for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and

reduce and injuriously affect its quality and strength and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the Campagna brand was alleged for the reason that the statements, to wit, "Italian Product Pure Olive Oil \* \* \* Tuscany, Italy \* \* \* Net Contents One Full Gallon," borne on the cans containing the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article was an Italian product, to wit, an olive oil produced in Tuscany, in the kingdom of Italy, and that each of the said cans contained one gallon net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was an Italian product, to wit, an olive oil produced in Tuscany, in the kingdom of Italy, and that each of the said cans contained one gallon net of the article, whereas, in truth and in fact, it was not an Italian product but was a product composed in whole or in part of oil or oils other than Italian olive oil, and each of said cans did not contain one gallon net of the said article. Misbranding of the Tripolitania brand was alleged for the reason that the statements, to wit, "Net Contents Full Gallon," "Olio Sopraffino Qualita Superiore," and "Olio Finissimo \* \* \* Olive Oil," borne in large type on the cans containing the article, not corrected by the statement, "Cotton Seed And," borne in inconspicuous type on the said cans, together with the designs and devices of Italian shields, crowns, and medals, appearing on said cans, regarding the article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article was olive oil, that it was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of said cans contained one gallon net of the article, whereas, in truth and in fact, it was not olive oil but was a mixture composed in large part of cottonseed oil, it was not a foreign product, to wit, an olive oil produced in the kingdom of Italy, but was a domestic product, to wit, an article produced in the United States of America, and each of said cans did not contain one gallon net of the article but did contain a less amount. Misbranding was alleged with respect to both brands of the article for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 19, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$60.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11395. Misbranding of Jad brand salts. U. S. v. 19 Dozen Packages, et al., of Jad Brand Salts. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 16972, 16973, 16974, 16975. I. S. Nos. 4029-v, 4030-v, 4031-v, 4045-v. S. Nos. C-3830, C-3831, C-3832, C-3833.)

On November 16, 1922, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of 54½ dozen packages of Jad brand salts, remaining unsold in the original unbroken packages at Milwaukee, Wis., alleging that the article had been shipped by the Wyeth Chemical Co., Detroit, Mich., between the dates of June 2 and September 20, 1922, and transported from the State of Michigan into the State of Wisconsin, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton and bottle) " \* \* \* possessing Antacid, Anti-Rheumatic, Kidney Diuretic \* \* \* Stomach Sweetening, and Anti-Lithic properties;" (bottle, additional) "To assist in flushing the Kidneys and thereby increasing elimination of urinous waste products such as uric acid and urea, take a tablespoonful \* \* \* and put it in a half glass of hot or cold water and drink while effervescing, each morning before breakfast. \* \* \* Besides its beneficial action upon the Kidneys, it also assists in keeping \* \* \* the stomach sweet." A portion of the said article was further labeled in part: (Booklet) "Jad Salts For Relief of the Kidneys \* \* \* The formula of Jad Salts is plainly stated on the label, so that the intelligent man or woman can see if it is adapted to the ailment or condition from which relief is sought. There is used in its preparation the natural fruit salts from grapes and lemons, and these are combined with lithium carbonate, sodium bicarbonate and potassium bicarbonate for their antilethic value and neutralizing effects. \* \* \* The object of flushing the kidneys with Jad Salts is to aid Nature in getting rid of any excess of uric acid or acid waters that may have accumulated in the blood, partly as the result of overindulgence in meat diet or the taking of two



[too] little physical exercise. Every vigorous man and woman needs such treatment now and then, if for no other reason [than] to keep the eliminative organs in a healthy state. The mere taking of physic will not accomplish this. Jad Salts is just the medicine to use in all such cases. For Rheumatic Twinges If you have headache, dizziness, backache, rheumatic twinges, or pains in your joints or in the muscles of the body or limbs, try a few doses of Jad Salts. You will be happy over the result and your bodily condition will be improved. If your urine is scanty, high-colored, or loaded with sediment after standing overnight, try a few days' treatment with Jad Salts."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of citric and tartaric acids, sodium bicarbonate, sodium phosphate, sodium chlorid, and very small amounts of hexamethylenetetramine, lithium carbonate, and potassium bicarbonate.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing in the labeling were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 28, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11396. Misbranding of Jad brand salts. U. S. v. 257 Dozen Bottles and 94½ Dozen Bottles of Jad Brand Salts. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 16918, 16976, 16977, 16978, 16979. I. S. Nos. 8029-v, 8030-v, 8031-v, 8032-v, 8033-v. S. Nos. W-1229, W-1239, W-1240, W-1241, W-1242.)

On November 13 and 15, 1922, respectively, the United States attorney for the Northern District of California, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels, and on December 15, 1922, an amendment to one of the said libels, praying the seizure and condemnation of 351½ dozen bottles of Jad brand salts, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Wyeth Chemical Co., from Detroit, Mich., between the dates of June 22 and September 22, 1922, and transported from the State of Michigan into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of citric and tartaric acids, sodium bicarbonate, sodium phosphate, sodium chlorid, and very small amounts of hexamethylenetetramine, lithium carbonate, and potassium bicarbonate.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements appearing on the labels of the bottles and cartons containing the said article and in the accompanying booklet, regarding its curative and therapeutic effect, (carton) " \* \* \* possessing Antacid, Anti-Rheumatic, Kidney Diuretic \* \* \* Stomach Sweetening, and Anti-Lithic properties," (bottle) " \* \* \* possessing Antacid, Anti-Rheumatic, Kidney Diuretic \* \* \* Stomach Sweetening, and Anti-Lithic properties \* \* \* To assist in flushing the Kidneys and thereby increasing elimination of urinous waste products such as uric acid and urea, take a tablespoonful \* \* \* and put it in a half glass of hot or cold water and drink while effervescing, each morning before breakfast. \* \* \* Besides its beneficial action upon the Kidneys, it also assists in keeping \* \* \* the stomach sweet." (booklet) "Jad Salts For Relief of the Kidneys \* \* \* The formula of Jad Salts is plainly stated on the label, so that the intelligent man or woman can see if it is adapted to the ailment or condition from which relief is sought. There is used in its preparation the natural fruit salts from grapes and lemons, and these are combined with lithium carbonate, sodium bicarbonate and potassium bicarbonate for their antilethic value and neutralizing effects \* \* \* The object of flushing the kidneys with Jad Salts is to aid Nature in getting rid of any excess of uric acid or acid waters that may have accumulated in the blood, partly as the result of overindulgence in meat diet or the taking of two [too] little physical exercise. Every vigorous man and woman needs such treatment now and then, if for no other reason than to keep the eliminative organs in a healthy state. The mere taking of physic will not accomplish this. Jad Salts is just the medicine to use in all such cases. For Rheumatic Twinges If you have headache, dizziness, backache,

rheumatic twinges, or pains in your joints or in the muscles of the body or limbs, try a few doses of Jad Salts. You will be happy over the result and your bodily condition will be improved. If your urine is scanty, high-colored, or loaded with sediment after standing overnight, try a few days' treatment with Jad Salts," were false and fraudulent since the said article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On March 26, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11397. Adulteration and misbranding of canned oysters. U. S. v. 94 Cases of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17035. I. S. No. 7788-v. S. No. W-1252.)**

On December 13, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 94 cases of canned oysters at Seattle, Wash., alleging that the article had been shipped by the Biloxi Packing & Trading Co., from New Orleans, La., April 17, 1922, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Comrade Brand Packed By Biloxi Packing & Trading Co. Biloxi, Miss. Net Contents 4 Ounces Oyster Meat Oysters."

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the cans containing the article, "Net Contents 4 Ounces Oyster Meat," was false and misleading and deceived and misled the purchaser thereof. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 21, 1923, the Pacific Grocery Co., Seattle, Wash., having entered an appearance as claimant for the property and confessed judgment, a decree of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11398. Adulteration and misbranding of frozen eggs. U. S. v. 136 Cans of Frozen Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17116. I. S. Nos. 3849-v, 7002-v. S. No. C-3865.)**

On or about January 8, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 136 cans of frozen eggs, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Hanford Produce Co., Sioux City, Iowa, December 11, 1922, and transported from the State of Iowa into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Tag on shipping package) "Hanford Pro Co Sioux City, Ia. From M. J. Power Co. Yankton, S. Dak."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight or measure.

On February 13, 1923, M. J. Power & Co., Yankton, S. Dak., claimant, having admitted the material allegations in the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was



ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the product be sorted under the supervision of this department, the bad portion destroyed by the United States marshal and the good portion released to the said claimant.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11399. Adulteration of oranges. U. S. v. 13 Cases of Oranges. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17434. I. S. No. 2649-v. S. No. E-4334.)**

On March 27, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 13 cases of oranges, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Polk Co. Citrus Sub. Exchange, Florence Villa, Fla., alleging that the article had been shipped from Florence Villa, Fla., on or about March 15, 1923, and transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Cat \* \* \* Brand Florence Citrus Growers Ass'n \* \* \* Seald Sweet Florida Citrus Exchange \* \* \* Pineapple Russet."

Adulteration of the article was alleged in the libel for the reason that an inedible product, namely, tree dried oranges, had been substituted in whole or in part for oranges.

On March 29, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

**11400. Adulteration and misbranding of canned clams. U. S. v. H. S. Kane. Plea of nolo contendere. Fine, \$100. (F. & D. No. 14042. I. S. No. 13092-r.)**

On June 10, 1921, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against H. S. Kane, Brooklin, Me., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about May 20, 1920, from the State of Maine into the State of Massachusetts, of a quantity of canned clams which were adulterated and misbranded. The article was labeled in part: "Pleasant River Brand \* \* \* Maine Clams Packed By H. S. Kane Brooklin and Addison Maine. HSK Contains 5 Ozs. Of Clams."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the average weight of 15 cans was 4.56 ounces.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, dilute brine, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for clams, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Contains 5 Ozs. Of Clams," borne on the label attached to the cans containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of clams and that each of the said cans contained 5 ounces of clams, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of clams and that each of said cans contained 5 ounces of clams, whereas, in truth and in fact, said article did not consist wholly of clams but did consist in part of dilute brine, and said cans did not contain 5 ounces of clams but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 8, 1923, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$100.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*

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# United States Department of Agriculture.

## SERVICE AND REGULATORY ANNOUNCEMENTS.

### BUREAU OF CHEMISTRY.

#### SUPPLEMENT.

N. J. 11401-11450.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., September 4, 1923.]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**11401. Misbranding of potatoes. U. S. v. Thomas T. Michaud. Plea of nolo contendere. Fine, \$25.** (F. & D. No. 14751. I. S. No. 5019-t.)

On February 10, 1922, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas T. Michaud, Soldier Pond, Me., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about December 17, 1920, from the State of Maine into the State of Massachusetts, of a quantity of potatoes in sacks which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 7, 1923, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11402. Misbranding of Fisher's uterine tonic and Fisher's kidney food. U. S. v. Fisheropathic College Assoc., a Corporation. Plea of guilty. Fine, \$50.** (F. & D. No. 15450. I. S. Nos. 10336-t, 10340-t.)

On January 24, 1922, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Fisheropathic College Assoc., a corporation, Denver, Colo., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about January 25, 1921, from the State of Colorado into the State of California, of a quantity of Fisher's uterine tonic and of a quantity of Fisher's kidney food, both of which were misbranded. The former was labeled in part: (Carton) "Fisher's Uterine Tonic Knowledge \* \* \* Manufactured By Geo. B. Fisher, Denver, Colorado;" (bottle) "The Fisheropathic College Ass'n. Denver, Colo." The latter was labeled in part: (Carton) "Fisher's Kidney Food 6% Alcohol \* \* \* Manufactured and Guaranteed by the Fisheropathic College Association San Francisco, Cal. \* \* \* Denver, Colo."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the uterine tonic contained ammonia, traces of ammonium salts, including iodid and carbonate, vegetable extractives, glycerin, and water, and that the kidney food contained a small quantity of vegetable extractive, citric acid, sugar, alcohol, and water.

Misbranding of the said uterine tonic was alleged in substance in the information for the reason that certain statements appearing on the carton, box,

and bottle containing the said article and in the accompanying booklet, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for apathy (lack of passion), amenorrhea (absence of menstrual flow), anteversion (forward inclination of the uterus), blood poisoning, septicæmia and pyæmia, hemorrhage occurring during gestative period, uterine cancers and tumors, dysmenorrhea (suppressed or painful menstruation), hysteria, earache and abscess, gonorrhea, leucorrhea (whites), pneumonia, and prolapsus, and effective to keep the generative organs vigorous and give vigor and life to the diseased organs, when, in truth and in fact, it was not.

Misbranding of the kidney food was alleged for the reason that the statement, to wit, "6% Alcohol," borne on the cartons and on the labels attached to the bottles containing the said article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the article contained 6 per cent of alcohol, whereas, in truth and in fact, it contained 12.7 per cent of alcohol. Misbranding was alleged for the further reason that the article contained alcohol and the label failed to bear a statement of the quantity and proportion of alcohol contained therein.

On January 19, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11403. Misbranding of canned clams. U. S. v. Allen J. Lawler. Plea of nolo contendere. Fine, \$100.** (F. & D. No. 15994. I. S. Nos. 5460-t, 5466-t.)

On June 6, 1922, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Allen J. Lawler, South West Harbor, Me., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about March 29, 1921, from the State of Maine into the State of Massachusetts, of quantities of canned clams which were misbranded. The article was labeled in part: (Cans) "White Star Brand Maine Clams Packed By A. J. Lawler So. West Harbor, Maine \* \* \* Net Weight 5 Ounces."

Examination of samples of the article by the Bureau of Chemistry of this department showed that the average weight of 12 cans was 4.84 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight 5 Ounces," borne on the label attached to the cans containing the said article, regarding the article, was false and misleading in that it represented that each of the said cans contained 5 ounces net weight of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 5 ounces net weight of the article, whereas, in truth and in fact, each of said cans did not contain 5 ounces net weight of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 7, 1923, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11404. Adulteration and misbranding of cocoa powder. U. S. v. M. Getz & Co., Inc., a Corporation. Plea of guilty. Fine, \$100.** (F. & D. No. 16013. I. S. No. 10827-t.)

On April 13, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against M. Getz & Co., Inc., a corporation, San Francisco, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, on or about April 25, 1921, from the State of California into the State of Utah, of a quantity of cocoa powder which was adulterated and misbranded. The article was labeled in part: "Monogram Cocoa Powder Soluble A Dark Rich Cocoa Containing A High Percentage of Butterfat."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was a cocoa containing no more than the usual amount of cocoa butter, and was no more soluble than ordinary cocoa.

Adulteration of the article was alleged in the information for the reason that cocoa powder containing only an ordinary amount of butterfat, to wit, cocoa butter, had been substituted for cocoa powder containing a high per-



centage of butterfat, to wit, cocoa butter, which the said article purported to contain.

Misbranding was alleged for the reason that the statements, to wit, "Cocoa Powder Soluble A \* \* \* Cocoa Containing A High Percentage of Butterfat," borne on the labels of the packages containing the article, concerning the article and the substances and ingredients contained therein, were false and misleading in that the said statements represented the article to be soluble, to wit, leaving no sediment, and to contain a high percentage of butterfat, to wit, a higher percentage of butterfat than ordinary cocoa powder, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was soluble and contained a high percentage of butterfat, whereas, in truth and in fact, it was not entirely soluble so as to leave no sediment and was no more soluble than ordinary cocoa powder, and did not contain a high percentage of butterfat, and did not contain a higher percentage of or any more cocoa butter than ordinary cocoa powder.

On May 24, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11405. Misbranding of canned clams. U. S. v. Sargentville Packing Co., a Corporation. Plea of nolo contendere. Fine, \$100. (F. & D. No. 16233. I. S. Nos. 5464-t, 5465-t, 5469-t.)**

On June 30, 1922, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Sargentville Packing Co., a corporation, Sargentville, Me., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about March 17, April 2, and April 23, 1921, respectively, from the State of Maine into the State of Massachusetts, of quantities of canned clams which were misbranded. One shipment was labeled in part: "Jack Rose Brand Clams \* \* \* Contents 8 Oz." The other shipment was labeled in part: "Gold Coin Brand \* \* \* Clams \* \* \* Guaranteed By Thorndike & Hix, Inc. To Comply With All Food Laws 5 Oz. Clam Meat 4 Oz. Clam Nectar 9 Oz. Total Weight Packed By Thorndike & Hix, Inc. Rockland, Maine."

Examination of 12 cans of the Jack Rose brand by the Bureau of Chemistry of this department showed an average of 6.7 ounces of clam meat. Examination of 12 cans of the Gold Coin brand by said bureau showed an average of 4.5 ounces of clam meat.

Misbranding of the article was alleged in substance in the information for the reason that the statements, to wit, "Contents 8 Oz." and "5 Oz. Clam Meat," borne on the cans containing the respective brands of the said article, were false and misleading in that the said statements represented that each of the said cans contained 8 ounces or 5 ounces, as the case might be, of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said cans contained 8 ounces or 5 ounces of the article, as the case might be, whereas, in truth and in fact, the said cans did not contain the quantity so declared on the said label but did contain a less quantity. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity was incorrectly stated.

On February 8, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11406. Misbranding of assorted jams. U. S. v. 171 Jars of Assorted Jams. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 16872. I. S. Nos. 1330-v, 1331-v, 1332-v, 1333-v. S. No. E-4195.)**

On October 17, 1922, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 171 jars of assorted jams, remaining unsold in the original packages at Norfolk, Va., alleging that the article had been shipped by the S. J. Van Lill Co., Baltimore, Md., on or about August 2, 1922, and transported from the State of Maryland into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Table Delicacies Pure Fruit Jam Blackberry-

Apple" (or "Pineapple-Apple," "Peach-Apple," or "Damson-Apple") "Contents 12 Ozs. Prepared By S. J. Van Lill Co., Baltimore, Md."

Misbranding of the article was alleged in the libel for the reason that the statement appearing on the label of the jars containing the said article, to wit, "Contents 12 Ozs.," was false and misleading and deceived and misled the purchaser in that the contents of the said jars was less than 12 ounces. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement, to wit, "Contents 12 Ozs.," was incorrect.

On March 9, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11407. Misbranding and alleged adulteration of canned oysters. U. S. v. 59 Cases of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17015. I. S. No. 7787-v. S. No. W-1248.)**

On December 7, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 59 cases of canned oysters, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Dunbar-Dukate Co., New Orleans, La., September 16, 1922, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Eagle Brand Cove Standard Oysters Packed by Dunbar-Dukate Co. New Orleans, La. Biloxi, Miss. Net Contents 5 Oz. Oyster Meat."

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the cans containing the article, "Net Contents 5 Oz. Oyster Meat," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 20, 1923, the Dunbar-Dukate Co., Inc., having entered an appearance as claimant for the property and having confessed judgment, a decree of condemnation and forfeiture was entered on the ground that the product was misbranded, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11408. Misbranding and alleged adulteration of canned oysters. U. S. v. 84 Cases and 49 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17039. I. S. Nos. 7797-v, 7798-v. S. No. W-1257.)**

On December 16, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 133 cases of oysters at Tacoma, Wash., alleging that the article had been shipped by the Dunbar-Dukate Co., from New Orleans, La., March 8, 1922, and transported from the State of Louisiana into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. A portion of the article was labeled in part: (Cans) "Pelican Brand Cove Oysters Packed by Dunbar-Dukate Co. New Orleans, La. Biloxi, Miss. Net Contents 8 Ounces Oyster Meat." The remainder of the article was labeled in part: (Cans) "Blue Jay \* \* \* Oysters Packed By Dunbar-Dukate Co. \* \* \* Net Contents 4 Ounces Oyster Meat."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been substituted in part for the said article.



Misbranding was alleged for the reason that the statements, "Net Contents 8 Ounces" and "Net Contents 4 Ounces," appearing on the labels of the respective-sized cans, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On January 13, 1923, the Dunbar-Dukate Co., Inc., New Orleans, La., and Biloxi, Miss., having appeared as claimant for the property and having confessed judgment, a decree of condemnation and forfeiture was entered on the ground that the product was misbranded, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the deposit of a certified check in the sum of \$870, in lieu of the bond provided for by section 10 of the act, conditioned that the said product be relabeled under the supervision and to the satisfaction of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11409. Adulteration of walnut meats. U. S. v. 10 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17149. I. S. No. 8151-v. S. No. W-1279.)**

On or about January 15, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of walnut meats, remaining in the original unbroken packages at Denver, Colo., consigned by the Sanitary Nut Shelling Co., Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., on or about December 12, 1922, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Order Sanitary Nut Shelling Co. \* \* \* Denver, Colo. Dark Amber 50 Lbs. Net."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On March 26, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11410. Adulteration and misbranding of cottonseed meal and misbranding of cottonseed feed. U. S. v. Planters Oil Co., a Corporation. Pleas of nolo contendere. Fine, \$150. (F. & D. Nos. 9756, 12288. I. S. Nos. 2593-p, 17776-r.)**

On July 22, 1919, and December 10, 1921, respectively, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district informations against the Planters Oil Co., a corporation, Albany, Ga. alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 14, 1917, from the State of Georgia into the State of Florida, of a quantity of cottonseed feed which was misbranded, and on or about October 16, 1918, from the State of Georgia into the State of Massachusetts, of a quantity of cottonseed meal which was adulterated and misbranded. The articles were labeled in part, respectively: "'Planco' Brand Cotton Seed Feed Manufactured by Planters Oil Co. Albany, Ga. Analysis: Protein, (6.25 times Nitrogen) 20% \* \* \* Fibre 22% \* \* \* Made exclusively from High Grade Cotton Seed Meal and Bolted Hull Bran;" "Danish Brand Cotton Seed Meal Guaranteed Analysis \* \* \* Protein 36.00% \* \* \* Crude Fibre 15.00% \* \* \* Equivalent Nitrogen 5.75% Made from Pressed Cotton Seed."

Analysis of a sample of the cottonseed feed by the Bureau of Chemistry of this department showed that it contained 17.8 per cent of protein, 29.2 per cent of crude fiber, and at least 66.5 per cent of cottonseed hulls. Analysis of a sample of the cottonseed meal by the said bureau showed that it contained 33.75 per cent of protein, 15.50 per cent of crude fiber, and at least 33 per cent of cottonseed hulls.

Adulteration of the cottonseed meal was alleged in the information for the reason that a substance, to wit, cottonseed hulls, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for cottonseed meal, which the said article purported to be.

Misbranding was alleged with respect to both products for the reason that the statements, to wit, "Protein \* \* \* 20% \* \* \* Fibre 22%" and

"Made exclusively from High Grade Cotton Seed Meal and Bolted Hull Bran," borne on the tags attached to the sacks containing the cottonseed feed, and the statements, to wit, "Cotton Seed Meal Guaranteed Analysis \* \* \* Protein 36.00% \* \* \* Crude Fibre 15.00% \* \* \* Equivalent Nitrogen 5.75% Made from Pressed Cotton Seed," borne on the tags attached to the sacks containing the alleged cottonseed meal, regarding the articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the said cottonseed feed contained not less than 20 per cent of protein and not more than 22 per cent of fiber and that it consisted exclusively of cottonseed meal and bolted hull bran, and that the alleged cottonseed meal was cottonseed meal, that it contained not less than 36 per cent of protein, not more than 15 per cent of crude fiber, not less than 5.75 per cent of equivalent nitrogen, and that it was prepared from pressed cotton seed, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cottonseed feed contained not less than 20 per cent of protein and not more than 22 per cent of fiber and that it consisted exclusively of cottonseed meal and bolted hull bran, and that the alleged cottonseed meal was cottonseed meal, that it contained not less than 36 per cent of protein, not more than 15 per cent of crude fiber, and not less than 5.75 per cent of equivalent nitrogen, and that it was prepared from pressed cotton seed, whereas, in truth and in fact, the said articles contained less protein and more fiber than declared on the labels, and the said cottonseed feed did not consist exclusively of cottonseed meal and bolted hull bran but did consist in part of ground cottonseed hulls, and the alleged cottonseed meal was not cottonseed meal and was not prepared from pressed cotton seed but was a mixture composed of cottonseed hulls and cottonseed meal, and it did contain less than 5.75 per cent of equivalent nitrogen.

On April 9, 1923, pleas of nolo contendere to the informations were entered on behalf of the defendant company, and the court imposed fines in the aggregate amount of \$150.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11411. Adulteration and misbranding of vinegar and alleged adulteration and misbranding of Cido.** U. S. v. Edward H. Ransing and Paul C. Ransing (Lancaster Vinegar Co.). Plea of nolo contendere with respect to counts 3, 4, 5, and 6 involving vinegar. Fine, \$100. Demurrer to counts 1 and 2 involving Cido. Demurrer sustained. (F. & D. No. 14324. I. S. Nos. 16715-r, 16717-r, 16718-r.)

On April 26, 1921, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward H. Ransing and Paul C. Ransing, trading as the Lancaster Vinegar Co., Lancaster, Pa., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about March 29, 1920, from the State of Pennsylvania into the State of Maryland, of quantities of vinegar which was adulterated and misbranded, and on or about April 1, 1920, from the State of Pennsylvania into the State of West Virginia, of a quantity of Cido which was alleged to have been adulterated and misbranded. The articles were labeled in part, respectively: "Color Certified Cido \* \* \* Lancaster Vinegar Co. E. A. Ransing's Sons;" "Lancaster Vinegar Co. Lancaster, Pa. \* \* \* Pure Apple Vinegar."

Analyses of samples of the vinegar by the Bureau of Chemistry of this department showed that it was prepared from dried apple products and was deficient in acid strength. Analysis of a sample of the Cido by said bureau showed that it was an imitation cider, colored with caramel.

Adulteration of the Cido was alleged in the information for the reason that a substance other than cider, artificially colored, had been mixed and packed therewith so as to lower, reduce, and injuriously affect its quality and strength and had been substituted in part for Cido, to wit, cider, which the said article purported to be. Adulteration was alleged for the further reason that the article was a mixture composed in part of a substance other than cider, prepared in imitation of cider, and was colored with caramel so as to simulate the appearance of cider and in a manner whereby its inferiority to cider was concealed.

Misbranding of the Cido was alleged for the reason that the statement, to wit, "Cido," borne on the barrel containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading



in that it represented that the said article was, to wit, cider, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was, to wit, cider, whereas, in truth and in fact, it was not cider but was a product composed in part of a substance other than cider.

Adulteration of the vinegar was alleged for the reason that a mixture prepared from dried apple products, which contained excessive added water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for pure apple vinegar, which the said article purported to be.

Misbranding of the said vinegar was alleged for the reason that the statement, to wit, "Pure Apple Vinegar," borne on the barrel containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article consisted wholly of pure apple vinegar, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of pure apple vinegar, whereas, in truth and in fact, it did not so consist but did consist in part of a mixture prepared from dried apple products, which contained excessive added water.

On June 16, 1921, the defendants entered pleas of *nolo contendere* to counts 3, 4, 5, and 6 of the information involving the adulteration and misbranding of the vinegar, and filed a demurrer and motion to quash as to counts 1 and 2 involving the Cido, and the court imposed a fine in the amount of \$100 with respect to said counts 3, 4, 5, and 6. On December 21, 1922, the demurrer to counts 1 and 2 was argued before the court and on January 22, 1923, with the consent of the United States attorney, the demurrer was sustained.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11412. Misbranding of Jad brand salts. U. S. v. 23½ Dozen Bottles, et al., of Jad Brand Salts. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 16520, 16521, 16522, 16523, 16524, 16525, 16526. I. S. Nos. 1015-v, 1017-v, 1018-v, 1019-v, 1255-v, 1256-v, 1257-v, 1258-v, 1259-v. S. Nos. E-4219, E-4220, E-4221, E-4222, E-4223, E-4224, E-4225.)

On November 14, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 168½ dozen bottles of Jad brand salts, remaining in the original unbroken packages at Baltimore, Md., consigned between the dates of July 14 and October 14, 1922, alleging that the article had been shipped by the Wyeth Chemical Co., in part from New York, N. Y., and in part from Detroit, Mich., and transported from the States of New York and Michigan into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton and bottle) " \* \* \* possessing Antacid, Anti-Rheumatic, Kidney Diuretic \* \* \* Stomach Sweetening, and Anti-Lithic properties;" (bottle) "To assist in flushing the Kidneys and thereby increasing elimination of urinous waste products such as uric acid and urea, take a tablespoonful \* \* \* and put it in a half glass of hot or cold water and drink while effervescing, each morning before breakfast. \* \* \* Besides its beneficial action upon the Kidneys, it also assists in keeping \* \* \* the stomach sweet." A portion of the article was further labeled in part: (Booklet) "Jad Salts For Relief of the Kidneys \* \* \* The formula of Jad Salts is plainly stated on the label, so that the intelligent man or woman can see if it is adapted to the ailment or condition from which relief is sought. There is used in its preparation the natural fruit salts from grapes and lemons, and these are combined with lithium carbonate, sodium bicarbonate and potassium bicarbonate for their antilethic value and neutralizing effects. \* \* \* The object of flushing the kidneys with Jad Salts is to aid Nature in getting rid of any excess of uric acid or acid waters that may have accumulated in the blood, partly as the result of overindulgence in meat diet or the taking of two [too] little physical exercise. Every vigorous man and woman needs such treatment now and then, if for no other reason than to keep the eliminative organs in a healthy state. The mere taking of physic will not accomplish this. Jad Salts is just the medicine to use in all such cases. For Rheumatic Twinges If you have headache, dizziness, backache, rheumatic twinges, or pains in your joints or in the muscles of the body or limbs, try a few doses of Jad Salts. You will be happy over the result and your bodily condition will be improved. If your urine is scanty, highly-colored, or loaded with sediment after standing overnight, try a few days' treatment with Jad Salts."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of sodium phosphate, sodium bicarbonate, citric and tartaric acids, with traces of lithium carbonate, potassium bicarbonate, and hexamethylenetetramine.

Misbranding of the article was alleged in substance in the libels for the reason that the above-quoted statements appearing in the labeling, regarding the curative and therapeutic effect of the said article, were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On February 19, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11413. Adulteration of shell eggs. U. S. v. Carrie Summers, Felix Craghead, and Beulah Craghead (Craghead & Co.). Pleas of guilty. Fine, \$25 and costs. (F. & D. No. 16926. I. S. No. 2047-t.)**

On March 9, 1923, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Carrie Summers, Felix Craghead, and Beulah Craghead, trading as Craghead & Co., Yewed, Okla., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about June 20, 1922, from the State of Oklahoma into the State of Kansas, of a quantity of shell eggs which were adulterated. The article was labeled in part: "\* \* \* from Craghead & Co. Yewed, Ok."

Examination by the Bureau of Chemistry of this department of the 1,080 eggs involved in the consignment showed that 115, or 10.6 per cent of the total, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On April 10, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11414. Adulteration of shell eggs. U. S. v. 398 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17111. I. S. No. 7005-v. S. No. C-3854.)**

On or about December 19, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 398 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by W. E. Keeney, Clarinda, Iowa, October 11, 1922, and transported from the State of Iowa into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On December 29, 1922, M. P. Rutledge Co., Chicago, Ill., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be canded under the supervision of this department, the bad portion destroyed and the good portion delivered to the claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11415. Adulteration of shell eggs. U. S. v. 400 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17112. I. S. No. 3847-v. S. No. C-3857.)**

On or about December 21, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 400 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Boring Produce Co., Clinton, Okla., June 3, 1922, and transported from the



State of Oklahoma into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On December 26, 1922, Herman Rothenberg, Chicago, Ill., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed and the good portion delivered to the claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11416. Adulteration of shell eggs. U. S. v. 400 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17113. I. S. No. 3948-v. S. No. C-3858.)**

On or about December 22, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 400 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Frizell Produce Co., Larned, Kans., May 15, 1922, and transported from the State of Kansas into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On January 3, 1923, A. A. Radke, Chicago, Ill., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed and the good portion delivered to the claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11417. Adulteration and misbranding of vanilla beans. U. S. v. 8 Boxes of Vanilla Beans. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17317. I. S. No. 191-v. S. No. E-4314.)**

On March 5, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 boxes containing 1,253 pounds of vanilla beans, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by J. W. Lorentzen & Co., from El Paso, Tex., on or about December 23, 1922, and transported from the State of Texas into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was sold as "Vanilla Mexican Beans."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, Tahiti vanilla beans, had been substituted wholly or in part for the article.

Misbranding of the article was alleged for the reason that it was offered for sale under the distinctive name of another article.

On April 6, 1923, W. R. Ezell, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be labeled "Tahiti Vanilla Beans," under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11418. Misbranding of Plough's Prescription C-2223. U. S. v. 60 Bottles, et al., of Plough's Prescription C-2223. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 17367, 17368, 17369. I. S. Nos. 7013-v, 7014-v, 7015-v. S. Nos. C-3936, C-3937, C-3938.)

On March 15, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 160 bottles of Plough's Prescription C-2223 at Chicago, Ill., alleging that the article had been shipped by the Plough Chemical Co., Memphis, Tenn., in three consignments, namely, on or about December 19, 1922, and February 8 and 13, 1923, respectively, and transported from the State of Tennessee into the State of Illinois, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted essentially of potassium iodid, extracts of plant drugs including colchicum, a trace of salicylic acid, anise flavor, glycerin, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements, appearing on the labels of the bottles and cartons containing the said article and in the accompanying circulars, regarding the curative and therapeutic effect of said article, (bottle) "A Blood Purifier Recommended for Treatment of Rheumatism \* \* \* In severe cases, take \* \* \* until relieved," (carton) "Blood Purifier Recommended for disorders caused by impure blood as Eczema, Chronic Sores and constitutional blood disorders [diseases], Rheumatism \* \* \* Sciatica, Lumbago, Lamé Back, Uric and Lactic Acid Conditions," (circular) "A Reliable Blood Purifier A Treatment for Rheumatism \* \* \* Sciatica, Lumbago, Lamé Back. Blood Disorders Eczema, Chronic Sores and Similar Diseases Caused by Bad Blood. \* \* \*

In the treatment of Scrofula, Rheumatism, certain Catarrhal Conditions, Hereditary Blood Taints, Diseases of the Bones, Ulcerous Sores, Prescription C-2223 has been recommended and used for many years. Helpless, unhappy persons who had given up all hope of relief, have found in this Blood Purifier a means of relief. Men, women and even children, whose energy has been sapped and their life almost wrecked, who were troubled with festering sores or tortured with rheumatic pains, have been relieved from the grip of these diseases, after the continued use of or treatment with Prescription C-2223. \* \* \* for any trouble due to poisoned or tainted blood, get you a bottle of Prescription C-2223. \* \* \* 'In \* \* \* conditions due to tainted blood, it acts as a specific.' \* \* \* 'the most valuable remedy known in the treatment of rheumatism; it eases the pain, diminishes the fever—results are almost certain in acute \* \* \* cases.' \* \* \* Prescription C-2223 has relieved \* \* \* many thousands, suffering from Rheumatism, \* \* \* Lumbago, Sciatica, diseases due to tainted or impure blood, evidenced by chronic Sores, Scrofula, Eczema and other similar conditions of the skin," were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently to the purchaser thereof and create in the minds of such purchasers the impression and belief that the said article contained ingredients or medicinal agents or combinations of ingredients effective as a remedy for the several ailments and afflictions mentioned therein, whereas, in truth and in fact, it contained no ingredients or combination of ingredients capable of producing such effects.

On April 18, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11419. Misbranding of Chicawampa tea. U. S. v. 447 Packages of Chicawampa Tea. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17397. I. S. Nos. 1739-v, 1740-v. S. No. E-4337.)

On March 22, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 447 packages of Chicawampa tea at Boston, Mass., alleging that the article had been shipped by the Chicawampa Tea Co., Reno, Nev., in part on or about December 12, 1922, and in part on or about January 19, 1923, and transported from the State of Nevada into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended.



Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of cut herbs, principally *Ephedra nevadensis*, with small proportions of peppermint and sage.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing on the carton containing the said article, regarding the article and the ingredients and substances contained therein, to wit, "Chicawampa Tea is one of the most energetic blood purifiers, vital restoratives, especially for old people, and is recommended as a means of invigoration in exhaustive diseases, loss of blood or general debility. It is used for Bright's Disease, Diabetes and Rheumatism; Liver, Bladder and Kidney Troubles; Helps in the elimination of Uric Acid from the blood and is recommended for all urinary troubles. A help in Female Troubles," were false and fraudulent in that the article did not contain any ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On April 16, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11420. Misbranding of sweet feed. U. S. v. 65 Sacks of Hy-Peak Sweet Feed. Default decree of condemnation, forfeiture, and sale or destruction. (F. & D. No. 663-c. I. S. No. 9801-v. S. No. C-3820.)**

On August 31, 1922, the United States attorney for the Eastern District of Texas, acting upon a report by the Chief Inspector, Feed Control Service, College Station, Tex., filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 65 sacks of Hy-Peak sweet feed at Marshall, Tex., alleging that the article had been shipped by the Best-Clymer Mfg. Co., from South Fort Smith, Ark., on or about July 13, 1922, and transported from the State of Arkansas into the State of Texas, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tags) "100 Pounds (Net) Hy-Peak Sweet Feed Composed of 60% Alfalfa Meal, 15% Ground Sorghum Leaves, 25% Molasses Manufactured by Best-Clymer Manufacturing Company, Fort Smith, Arkansas. Guaranteed Analysis: Crude protein not less than 9.50 Per Cent Crude Fat not less than 1.50 Per Cent."

Misbranding of the article was alleged in substance in the libel for the reason that the statements appearing on tags attached to the sacks containing the article were false in that the article contained less than the percentage of crude protein and less than the percentage of crude fat so alleged and set forth on the said tags.

On February 22, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold, or if no sale could be effected that it be destroyed.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11421. Misbranding of San-Yak. U. S. v. Edgar S. Burnham (Burnham Medical Co.). Plea of guilty. Fine, \$50. (F. & D. No. 13164. I. S. No. 7064-r.)**

On June 6, 1921, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edgar S. Burnham, trading as Burnham Medical Co., Detroit, Mich., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about December 19, 1918, from the State of Michigan into the State of Indiana, of a quantity of Dr. Burnham's San-Yak which was misbranded. The article was labeled in part: "Dr. Burnham's San-Yak \* \* \* Burnham Medical Co. Detroit, Mich."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of 2.4 per cent of extracts of plant drugs, including cinchona and a laxative drug, approximately 7 per cent of alcohol, and approximately 92 per cent of water.

Misbranding of the article was alleged in substance in the information for the reason that certain statements regarding the therapeutic and curative effects thereof, appearing on the labels of the cartons and bottles containing the said article and in the accompanying circular, falsely and fraudulently represented it to be effective as a treatment, preventive, remedy, and cure for diseases of

the kidneys, liver, bladder, throat, stomach or bowels, frequent urinating at night, bed wetting in young or old, Bright's disease, la grippe, paralysis, anemia and poverty of the blood, catarrh of the head, throat, stomach, bladder or bowels, lumbago, all kidney and catarrhal troubles, coughs, diseases of the genito-urinary organs of male or female, prostatic troubles of old men, painful or difficult urination, all urethral inflammation, rheumatism, nephritic colic, albuminuria, cystitis, leucorrhea, hardening of the corticated tissue of the kidneys and ureters [urethra], tuberculosis, pain in the back and abdomen, appendicitis, stomach and heart trouble, diseases of the blood and body fluids, throat disease, eczema, scrofula, pus formations in the tissue, skin, and vital organs, stiff joints, old age or tired feelings, cancerous humors, skin diseases, pimples, blotches, eruptions, diseases of the nerves, and hardening of the arteries, and effective as a blood purifier and rectifier, when, in truth and in fact, it was not.

On September 30, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11422. Adulteration and misbranding of rolled barley. U. S. v. Albers Bros. Milling Co., a Corporation. Plea of nolo contendere. Fine, \$200. (F. & D. No. 14312. I. S. No. 3229-r.)**

On April 27, 1921, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Albers Bros. Milling Co., a corporation trading at San Francisco, Calif., alleging shipment by said company, in violation of the Food and Drugs Act, on or about December 15, 1919, from the State of California into the Territory of Hawaii, of a quantity of rolled barley which was adulterated and misbranded.

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it contained oats, wheat, cheat, smut, corn, and miscellaneous foreign material amounting to 5.7 per cent by weight.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, oat screenings and corn, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for rolled barley, which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Rolled Barley," borne on the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that it represented that the article consisted wholly of rolled barley, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of rolled barley, whereas, in truth and in fact, it did not so consist but did consist in part of oat screenings and corn.

On March 26, 1923, a plea of nolo contendere was entered on behalf of the defendant company, and the court imposed a fine of \$200.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11423. Adulteration of chloroform. U. S. v. 42,000 Tins, et al., of Chloroform. Decree entered ordering condemnation of 42,000 tins of the product and providing for its release under bond. Default decrees of condemnation, forfeiture, and sale entered with respect to remainder. (F. & D. Nos. 16437, 16479, 16497, 16498, 16499, 16500, 16540. I. S. No. 17215-t. S. Nos. E-3964, E-3995, E-4000, E-4014.)**

On or about June 21, 27, 29, and July 1, 1922, respectively, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 43,368 tins of chloroform, remaining in the original unbroken packages in part at Baltimore, Md., in part at Hagerstown, Md., and in part at Mt. Rainier, Md., consigned between the dates of November 9, 1921, and March 28, 1922, alleging that the article had been shipped in part from New York, N. Y., and in part from Philadelphia, Pa., and transported from the States of New York and Pennsylvania, respectively, into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was labeled: "Chloroform for Anaesthesia."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it



contained impurities decomposable by sulphuric acid and chlorinated decomposition products. Part of it contained hydrochloric acid.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation.

On September 27, 1922, the claim of the owner of 42,000 tins of the product having been entered, judgment of condemnation was entered, and it was ordered by the court that the said product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act. On December 1, 1922, no claimant having appeared for the remainder of the product, judgment of condemnation was entered, and it was ordered by the court that the product be sold by the United States marshal. On March 25, 1923, it appearing that the marshal had been unable to effect a sale of the portion condemned and ordered sold, it was ordered by the court that the product be destroyed.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11424. Adulteration of butter. U. S. v. 35 Cubes of Butter. Decree entered ordering release of product under bond. (F. & D. No. 16804. I. S. Nos. 7834-v, 7838-v. S. No. W-1209.)**

On or about September 8, 1922, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 35 cubes of butter, remaining unsold in the original unbroken packages at Spokane, Wash., consigned by the Choteau Creamery, Choteau, Mont., alleging that the article had been shipped from Choteau, Mont., on or about August 10, 1922, and transported from the State of Montana into the State of Washington, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed therewith so as to reduce, lower, and injuriously affect the quality thereof and had been substituted in part for the said article. Adulteration was alleged for the further reason that fat, a valuable constituent of butter, had been in part abstracted from the said article.

On October 13, 1922, Swift & Co. having entered an appearance as claimant for the property, judgment of the court was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department. On December 15, 1922, it was further ordered by the court that the case be dismissed and that the costs be taxed against the claimant, Swift & Co.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11425. Adulteration and misbranding of walnut meats. U. S. v. Sam Sutton. Plea of guilty. Fine, \$50. (F. & D. No. 16927. I. S. No. 13828-t.)**

On December 28, 1922, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Sam Sutton, Los Angeles, Calif., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about February 6, 1922, from the State of California into the State of Washington, of a quantity of walnut meats which were adulterated and misbranded.

Examination of the article by the Bureau of Chemistry of this department showed that it consisted of walnut meats of poor quality, containing a large percentage of inedible nuts.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed vegetable substance.

Misbranding of the article was alleged for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 9, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11426. Misbranding and alleged adulteration of vinegar. U. S. v. 51 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16985. I. S. No. 3918-v. S. No. C-2937.)**

On November 18, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 51 barrels of vinegar, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Powell Corp., from Canandaigua, N. Y., October 19, 1922, and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that a substance made from evaporated or dried apple products had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted wholly or in part for vinegar.

Misbranding of the article was alleged for the reason that the barrels containing the article bore a label as follows, to wit, "Pure Cider Vinegar Made From Apples Reduced To 4% \* \* \* Man'fd By The Powell Corp Canandaigua, N. Y." which said label was false and misleading and deceived and misled the purchaser in that the said article did not contain pure cider vinegar, but contained distilled vinegar and a substance made from evaporated or dried apple products. Misbranding was alleged for the further reason that the article was an imitation of and sold under the distinctive name of another food product.

On April 16, 1923, the Powell Corp., Canandaigua, N. Y., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of the court was entered finding the product to be misbranded and ordering its condemnation, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled in accordance with its composition, under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11427. Adulteration and misbranding of cottonseed meal. U. S. v. 143 Sacks of Cottonseed Meal. Consent decree providing for release of the product under bond. (F. & D. No. 17173. I. S. No. 1296-v. S. No. E-4282.)**

On January 20, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 143 sacks of cottonseed meal, remaining in the original unbroken packages at Boyds, Md., consigned on or about December 4, 1922, alleging that the article had been shipped by the Eastern Cotton Oil Co., from Richmond, Va., and transported from the State of Virginia into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Perfection Cotton Seed Meal 100 Lbs. Net Manufactured By Eastern Cotton Oil Company Edenton, N. C."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein, ammonia, had been mixed and packed with and substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the statements borne on the sacks containing the article, "Perfection Cotton Seed Meal \* \* \* Guarantee Protein not less than 41.00% Equivalent to Ammonia 8.00% \* \* \* Ingredients—Made from Upland Cotton Seed," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On February 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. Thereafter Gambrell & Carlin, Inc., Boyds, Md., having intervened as claimant in the interest of the Eastern Cotton Oil Co., Edenton, N. C., and having admitted the allegations of the libel with respect to the misbranding of the product and having alleged that the misbranding was the result of a mistake, judgment of the court was entered ordering that the product be released to the said claimant upon payment of the costs of the proceedings and the execution



of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be properly branded under the supervision of this department and that the order previously entered for the destruction of the product be rescinded.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11428. Adulteration of canned salmon. U. S. v. 726 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17272. I. S. Nos. 5845-v, 5846-v. S. No. C-3885.)**

On February 8, 1923, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 726 cases of canned salmon at Houston, Tex., alleging that the article had been shipped by the Griffith-Durney Co., Seattle, Wash., on or about October 11, 1922, and transported from the State of Washington into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: "Klawack Brand \* \* \* Fresh Alaska Pink Salmon Packed at Klawack Alaska, U. S. A. by the North Pacific Trading And Packing Company San Francisco, Calif. Net Contents One Pound." The remainder of the said article was labeled in part: "Aviation Brand \* \* \* Fresh Alaska Chum Salmon \* \* \* Packed at Klawack Alaska U. S. A. Packed by North Pacific Trading and Packing Company San Francisco, Cal. Net Contents One Pound."

Adulteration of the article was alleged in the libel for the reason that it was filthy, decomposed, and putrid.

On April 9, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11429. Misbranding of Plough's Prescription C-2223. U. S. v. 135 Bottles, et al., of Plough's Prescription C-2223. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17373, 17374. I. S. Nos. 4512-v, 4514-v. S. Nos. C-3941, C-3943.)**

On or about March 19, 1923, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 169 small bottles and 78 large bottles of Plough's Prescription C-2223 at Cleveland, Ohio, alleging that the article had been shipped by the Plough Chemical Co., Memphis, Tenn., in part on or about August 28, 1922, and in part on or about February 8, 1923, and transported from the State of Tennessee into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "A Blood Purifier Recommended For Treatment of Rheumatism \* \* \* In severe cases, take \* \* \* until relieved;" (carton, large size) "Rheumatism \* \* \* Sciatica, Lumbago, Lame Back, Uric and Lactic Acid Conditions Blood Disorders Eczema, Chronic Sores and similar affections arising from bad blood;" (carton, small size) "Blood Purifier Recommended for disorders caused by impure blood as Eczema, Chronic Sores and constitutional blood diseases. Rheumatism \* \* \* Sciatica, Lumbago, Lame Back, Uric and Lactic Acid Conditions;" (circular) "A Reliable Blood Purifier A Treatment for Rheumatism \* \* \* Sciatica, Lumbago, Lame Back. Blood Disorders, Eczema, Chronic Sores and Similar Diseases Caused by Bad Blood. \* \* \* In the treatment of Scrofula, Rheumatism, certain Catarrhal Conditions, Hereditary Blood Taints, Diseases of the Bones, Ulcerous Sores, Prescription C-2223 has been recommended and used for many years. Helpless, unhappy persons who had given up all hope of relief, have found in this blood purifier a means of relief. Men, women and even children, whose energy has been sapped and their life almost wrecked, who were troubled with festering sores or tortured with rheumatic pains, have been relieved from the grip of these diseases, after the continued use of or treatment with Prescription C-2223 \* \* \* for any trouble due to poisoned or tainted blood, get you a bottle of Prescription C-2223. \* \* \* 'In \* \* \* conditions due to tainted blood, it acts as a specific.' \* \* \* 'the most valuable remedy known in the treatment of rheumatism; it eases the pain, diminishes the fever—results are almost certain in acute \* \* \* cases.' \* \* \* Prescription C-2223 has relieved \* \* \* many thousands, suffering from Rheumatism, \* \* \* Lumbago, Sciatica, diseases due to tainted or impure blood, evidenced by chronic Sores, Scrofula, Eczema and other similar conditions of the skin."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted essentially of potassium iodid, extracts of plant drugs including colchicum and a laxative drug, glycerin, alcohol, and water, colored with caramel and flavored with anise.

Misbranding of the article was alleged in the libels for the reason that the above-quoted statements regarding the curative and therapeutic effect of the said article were false and fraudulent since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On or about April 16, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11430 (supplement to N. J. 7729). Decision of court overruling demurrer to indictment.** (F. & D. No. 10342. I. S. No. 9326-p.)

In the above-cited case the demurrer to the indictment interposed on behalf of the defendant company was overruled on February 7, 1920, as will more fully appear from the following decision of the court (Faris, J.):

"The defendant has been indicted on eight counts for alleged violations of the act of June 30, 1906, as amended. To this indictment, and to each count thereof, defendant demurs. The ground of demurrer to each of the counts of the indictment is identical; so but one count need be considered.

"The indictment contains apt allegations to the effect that heretofore, to wit, in the year 1911, this same defendant was upon its plea of *nolo contendere* to a criminal information convicted and fined the sum of fifty dollars and costs for a violation of the same act under which defendant here stands charged in the indictment now pending. Toward these allegations of prior conviction the demurrer herein is aimed. Touching the above allegations of the indictment it is strenuously urged in the demurrer that they are impertinent, irrelevant, and that they have no relationship to, or connection with, the offense now charged in the several counts of the instant indictment. After a careful consideration of the point urged I am of the opinion that the demurrer ought to be overruled.

"The statute under which the defendant is indicted provides, among other things, that for a first offense thereunder the punishment shall on conviction be a certain minimum in the statute set forth; but that on conviction for a second offense, or any subsequent offenses thereunder, the punishment shall be increased in a certain definite manner in the statute prescribed. Notwithstanding this provision, it is strenuously insisted by defendant that the setting out of such former conviction at length in the indictment is without warrant of law and that the same will be hurtful and prejudicial to it upon its trial.

"I have been unable to find any case directly in point upon the question mooted. The Government contends that since it is well settled in the practice in the State courts, under the so-called habitual criminal acts, that former convictions must be set out in the indictment, the decisions so holding, which are numerous (*State v. Austin*, 113 Mo., 538; *State v. Schumacher*, 12 Mo., App., 569; *Ward v. State*, 53 N. Y., 511), are decisive of the point here involved. Against this insistence the defendant contends that there is no analogy existing between the two propositions. This, for the reason that in the State courts (except in a few negligible exceptions) a trial jury both finds the fact of guilt and fixes the punishment, while in the Federal courts the trial jury simply finds the fact of guilt and leaves it to the court, under the several statutes, to fix the punishment.

"I do not think that the reason urged by defendant is conclusive. It is well settled that the indictment is a mere formal charge; that it is not in any way evidentiary. Besides it is difficult to perceive the nature of the procedure, which could be invoked, in order to acquaint the court, when fixing the punishment, with the fact of a former conviction, unless such convictions were pleaded. While the court is required to take judicial notice of the whole record in a given case, the court is not required to take judicial notice of the record of one case which is pending, or which has been pending in such court, upon the trial of another and wholly disconnected case, such as two prosecutions, even against the same defendant, would constitute. Therefore absent the pleaded fact of a former conviction, the fact of such conviction would or might easily escape the attention of the court. The fact, therefore, of such former conviction, ought, I think, to be pleaded by the Government, so that



the court would have the formal charge thereof before it when it comes to fix the punishment. Moreover, a question of the identity of the defendant upon trial with the person formerly convicted might well arise and become an issue in the case.

"Whatever ill effect might accrue to the defendant upon the trial by reason of the recital in the indictment of a former conviction, could, if necessary, be obviated by a proper charge as to the lack of probative effect of the averments of the indictment. For these reasons, as well as others that might be mentioned, it occurs to me that the ill which might accrue to defendant, if charged in the indictment with the fact of former conviction, are more than offset by the harm which would accrue to the Government from the fact that such charge was not contained in the indictment. All these considerations induce me to take the view upon a question which seems to be of first impression under this statute, that the demurrer herein is not well taken. Let it be overruled."

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11431. Misbranding of cottonseed meal. U. S. v. Hayes Grain & Commission Co., Inc., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 14921. I. S. No. 11928-t.)**

On January 25, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Hayes Grain & Commission Co., Inc., of Illinois, a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about September 10, 1920, from the State of Illinois into the State of Michigan, of a quantity of cottonseed meal in sacks which was misbranded.

Misbranding of the article was alleged in the libel for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 17, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11432. Adulteration and misbranding of feed. U. S. v. Thomas W. Keelin and John J. Keelin (Prairie State Milling Co.). Pleas of guilty. Fine, \$1,000. (F. & D. No. 15257. I. S. Nos. 5834-t, 5835-t, 5836-t, 5837-t, 5838-t, 5839-t, 6516-t, 8270-t, 8271-t, 8282-t, 8283-t, 8284-t, 8796-t, 8797-t, 11563-t, 11564-t, 11565-t, 11566-t, 11567-t, 11568-t, 12423-t.)**

On January 14, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas W. Keelin and John J. Keelin, copartners, trading as Prairie State Milling Co., Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, between the dates of December 2, 1920, and January 15, 1921, from the State of Illinois, in various consignments, namely, into the States of Pennsylvania, West Virginia, Virginia, Indiana, New York, and Ohio, respectively, of quantities of feed, the greater portion of which was adulterated and misbranded and the remainder of which was misbranded. The articles were labeled in part: "Emerald Brand Horse Feed Made From Rolled Oats, Cracked Corn, Rolled Barley, Alfalfa Meal and Molasses Guaranteed Analysis Protein 9%" (or "8%") "Crude Fibre 12% \* \* \* Manufactured By Prairie State Milling Co. Chicago, Ill.;" "Greenfield Brand Made From Alfalfa Meal and Molasses Guaranteed Analysis Protein 9% \* \* \* Manufactured by the Prairie State Milling Co. Chicago, Ill.;" "Prairie State Stock Feed \* \* \* Guaranteed Analysis \* \* \* Crude Fibre 8.5% \* \* \* Manufactured By Prairie State Milling Co. Chicago, Ills." One consignment was invoiced "Crimped Oats and Cracked Corn."

Examination of samples of the Emerald brand by the Bureau of Chemistry of this department showed only a trace, if any, rolled barley. Most of the shipments contained oat hulls. One shipment contained sorghum seed, one shipment weed seed, and one shipment cottonseed hulls and oat hulls. Certain shipments of the Emerald brand were also deficient in protein and contained excessive crude fiber. Examination of samples of the Greenfield brand by said bureau showed that it contained oat hulls and was deficient in protein. Examination of samples of the Prairie State brand by said bureau showed that it contained excessive crude fiber.

Adulteration of the Emerald brand of the article was alleged in the information for the reason that a mixture which contained only a trace, if any, rolled barley or which contained sorghum seed or oat hulls or weed seeds or cottonseed hulls and oat hulls had been substituted for a product made in part from rolled barley, which the article purported to be. Adulteration was alleged with respect to certain shipments for the reason that sorghum seed or oat hulls or weed seeds or cottonseed hulls and oat hulls had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength.

Adulteration was alleged with respect to the Greenfield brand for the reason that oat hulls or ground oat hulls had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for a product made from alfalfa meal and molasses, which the article purported to be.

Misbranding was alleged in substance with respect to the Emerald brand of the article for the reason that the statements, to wit, "Made From Rolled Oats, Cracked Corn, Rolled Barley, Alfalfa Meal and Molasses," and with respect to certain shipments, "Guaranteed Analysis Protein 9%, Crude Fibre 12%" or "Guaranteed Analysis Protein 9%," borne on the sacks containing various portions of the article, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article consisted wholly of rolled oats, cracked corn, rolled barley, alfalfa meal, and molasses, and that certain portions thereof contained not less than 9 per cent of protein and not more than 12 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of rolled oats, cracked corn, rolled barley, alfalfa meal, and molasses, and that certain portions thereof contained not less than 9 per cent of protein and not more than 12 per cent of crude fiber, whereas, in truth and in fact, the said article did not consist wholly of the ingredients named on the respective labels, but did consist in part of a substance which contained only a trace or no rolled barley, and certain portions thereof contained sorghum seed or added oat hulls or weed seeds or cottonseed hulls and added oat hulls, and the said portions of the article contained less protein and more fiber than declared on the labels.

Misbranding was alleged in substance with respect to the Greenfield brand of the article for the reason that the statements, to wit, "Made From Alfalfa Meal and Molasses" and "Guaranteed Analysis Protein 9%," borne on the sacks containing the article, regarding the article and ingredients and substances contained therein, were false and misleading in that the said statements represented that the article consisted wholly of alfalfa meal and molasses and that it contained not less than 9 per cent of protein, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of alfalfa meal and molasses and that it contained not less than 9 per cent of protein, whereas, in truth and in fact, the said article did not consist wholly of alfalfa meal and molasses but consisted in part of oat hulls and contained less than 9 per cent of protein.

Misbranding was alleged with respect to the Prairie State brand for the reason that the statement, to wit, "Guaranteed Analysis \* \* \* Crude Fibre 8.5%," borne on the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article contained not more than 8.5 per cent of crude fiber, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not more than 8.5 per cent of crude fiber, whereas, in truth and in fact, the two consignments of the article did contain more than 8.5 per cent of crude fiber, to wit, approximately 12.65 and 10.06 per cent, respectively, of crude fiber.

Misbranding of the product invoiced as crimped oats and cracked corn was alleged for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 17, 1923, pleas of guilty to the information were entered by the defendants, and the court imposed a fine of \$1,000.

C. F. MARVIN, *Acting Secretary of Agriculture.*



**11433. Adulteration of canned cherries. U. S. v. 1,000 Cases of Canned Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16803. I. S. No. 3765-v. S. No. C-3799.)**

On September 6, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,000 cases of canned cherries, remaining unsold in the original unbroken packages at Chicago, alleging that the article had been shipped by Mikesett [Mikesell] & Co., from Traverse City, Mich., August 14, 1922, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Barco Brand \* \* \* Red Pitted Cherries."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On April 4, 1923, Mikesell & Co., Traverse City, Mich., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be sorted, the bad portion destroyed and the good portion released to the said claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11434. Adulteration and misbranding of olive oil. U. S. v. John Zeppos, Nicholas Antonio, and Anthony Antonio (Alpha Importing Co.). Pleas of guilty. Fine, \$300. (F. & D. No. 16857. I. S. Nos. 5092-t, 5093-t, 5094-t, 5486-t, 5626-t, 5627-t, 5628-t, 12151-t.)**

At the February, 1923, term of the United States District Court, within and for the Southern District of New York, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against John Zeppos, Nicholas Antonio, and Anthony Antonio, copartners, trading as the Alpha Importing Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about May 3, 11, and 21, 1921, respectively, from the State of New York into the State of Massachusetts, and on or about May 7, 1921, from the State of New York into the State of New Hampshire, of quantities of olive oil, a portion of which was adulterated and misbranded and the remainder of which was misbranded. A portion of the article was labeled in part: "Marconi Brand Finest Pure Olive Oil Guglielmo Marconi \* \* \* Extra Fine." The remainder of the article was contained in a barrel and was labeled in part, (tag) "From Alpha Importing Co. 351 East 32nd St., New York," and was invoiced as olive oil.

Analysis by the Bureau of Chemistry of this department of a sample of the article contained in the said barrel showed that it contained approximately 25 per cent of cottonseed oil. Examination of the Marconi brand by said bureau showed that the said cans contained less of the said article than declared on the respective labels, and in one shipment the product contained a large quantity of added oil other than olive oil.

Adulteration of the article contained in the said barrel was alleged in the information for the reason that cottonseed oil had been substituted in whole or in part for olive oil, which the said article purported to be. Adulteration was alleged with respect to one shipment of the Marconi brand oil for the reason that a substance, to wit, an oil other than olive oil, had been substituted in whole or in part for olive oil, which the said article purported to be.

Misbranding of the article contained in the said barrel was alleged for the reason that it was a mixture composed in whole or in part of cottonseed oil, prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil. Misbranding was alleged with respect to one shipment of the Marconi brand for the reason that it was a mixture composed in whole or in part of an oil other than olive oil, prepared in imitation of olive oil, and was offered for sale and sold under the distinctive name of another article, to wit, olive oil.

Misbranding was alleged with respect to the Marconi brand oil for the reason that the statements, to wit, "One Full Gallon," "Half Full Gallon," "Quarter Full Gallon," and "Eighth Full Gallon," borne on the respective-sized cans containing the article, and the statement, to wit, "Finest Pure Olive

Oil," borne on the cans contained in one shipment thereof, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the said cans contained one full gallon, one full half gallon, one full quarter gallon, or one full eighth gallon of the article, as the case might be, and that the said shipment consisted of olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained one full gallon, one full half gallon, one full quarter gallon, or one full eighth gallon of the article, as the case might be, and that the said shipment consisted of olive oil, whereas, in fact and in truth, each of said cans did not contain the amount so declared on the labels but did contain a less amount, and the said shipment did not consist of olive oil but was a mixture composed in whole or in part of an oil other than olive oil.

Misbranding was alleged with respect to all of the said product for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 12, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$300.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11435. Adulteration and misbranding of cherry emulsion, grape emulsion, strawberry emulsion, and pineapple emulsion. U. S. v. Morris H. Caro (Caro Flavoring Co.). Plea of guilty. Fine, \$40. (F. & D. No. 17066. I. S. Nos. 6783-t, 6784-t, 6785-t, 6786-t.)**

On March 27, 1923, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Police Court of the District aforesaid an information against Morris H. Caro, a member of a partnership trading as Caro Flavoring Co., Washington, D. C., alleging shipment by said defendant, in violation of the Food and Drugs Act, from the District of Columbia into the State of Massachusetts, on or about February 4, 1922, of a quantity of cherry emulsion and of a quantity of grape emulsion, and on or about February 9, 1922, of a quantity of strawberry emulsion and of a quantity of pineapple emulsion, all of which were adulterated and misbranded. The articles were labeled in part: "Caro Flavoring Co. H. & H. Brand One Quart Cherry Emul (Wild)" (or "Grape Emulsion" or "Strawberry Emulsion" or "Pineapple Emulsion") "\* \* \* Washington, D. C."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they consisted principally of citric acid and gum with the additional ingredient, in the case of the grape emulsion, of glycerin. They were colored with coal-tar dyes and artificially flavored. No natural odor of the true fruit could be detected.

Adulteration of the articles was alleged in the information for the reason that imitation emulsions consisting chiefly of citric acid and gum or of citric acid, gum, and glycerin, in the case of the grape emulsion, and having little, if any, odor or flavor of natural fruit, had been substituted in whole or in part for wild cherry emulsion, grape emulsion, strawberry emulsion, or pineapple emulsion, as the case might be, which the said articles purported to be. Adulteration was alleged for the further reason that the articles were inferior to wild cherry emulsion, grape emulsion, strawberry emulsion, or pineapple emulsion, as the case might be, to wit, imitation emulsions consisting chiefly of citric acid and gum and having little, if any, flavor or odor of natural fruit, and the said articles were colored with certain coal-tar dyes, to wit, amaranth, in the case of the wild cherry emulsion and the strawberry emulsion, amaranth and indigo carmine, in the case of the grape emulsion, and tartrazine, in the case of the pineapple emulsion, so as to simulate the appearance of wild cherry emulsion, grape emulsion, strawberry emulsion, or pineapple emulsion, as the case might be, and in a manner whereby their inferiority to said articles was concealed.

Misbranding was alleged for the reason that the statements, to wit, "Cherry Emul (Wild)," "Grape Emulsion," "Strawberry Emulsion," and "Pineapple Emulsion," borne on the labels attached to the bottles containing the respective articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the articles were, to wit, wild cherry emulsion, grape emulsion, strawberry emulsion, or pineapple emulsion, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were, to wit, wild cherry



emulsion, grape emulsion, strawberry emulsion, or pineapple emulsion, as the case might be, whereas, in truth and in fact, they were not but were imitation emulsions consisting chiefly of citric acid and gum or of citric acid, gum, and glycerin, in the case of the so-called grape emulsion, which had little, if any, odor or flavor of natural fruit. Misbranding was alleged for the further reason that the articles were products consisting chiefly of citric acid and gum or citric acid, gum, and glycerin, in the case of the so-called grape emulsion, which had little, if any, flavor or odor of natural fruit, prepared in imitation of wild cherry emulsion, grape emulsion, strawberry emulsion, or pineapple emulsion, as the case might be, and were offered for sale and sold under the distinctive names of such other articles.

On March 27, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$40.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11436. Adulteration and misbranding of currant jelly, apple jelly, and raspberry jelly. U. S. v. 10 Kits of Currant Jelly, et al. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 17102 I. S. Nos. 7635-v. 7636-v. 7637-v. S. No. W-1267.)**

On or about January 27, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 kits of currant jelly, 5 kits of apple jelly, and 4 kits of raspberry jelly, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Bliss Syrup Refining Co., Kansas City, Mo., alleging that the articles had been shipped on or about November 11, 1922, and transported from the State of Missouri into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Currant" (or "Apple" or "Rasp.") "\* \* \* Bliss Jel Bakers Jelly Composed of Apple Juice and Corn Syrup Vegetable Color—Trace, Added Phosphate—Trace Bliss Syrup Refining Co. Kansas City."

Adulteration of the articles was alleged in substance in the libel for the reason that substances composed of pectin, glucose, and phosphoric acid, which in the case of the currant jelly and raspberry jelly were colored with coal-tar dye, had been mixed and packed with and substituted wholly or in part for the said articles. Adulteration was alleged for the further reason that the said currant jelly and the raspberry jelly were colored in a manner whereby inferiority was concealed.

Misbranding of the articles was alleged in substance for the reason that the statements, "Currant" (or "Apple" or "Rasp.") "\* \* \* Bliss Jel Bakers Jelly Composed of Apple Juice and Corn Syrup Vegetable Color—Trace, Added Phosphate—Trace," borne on the labels of the kits containing the respective products, were false and misleading and deceived and misled the purchaser.

On March 27, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11437. Adulteration of canned salmon. U. S. v. 245 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17275. I. S. No. 5848-v. S. No. C-3888.)**

On February 9, 1923, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 245 cases of canned salmon at Houston, Tex., alleging that the article had been shipped by the G. Batcheller [Batcheller] Hall Co., Seattle, Wash., on or about October 11, 1922, and transported from the State of Washington into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Halls Sealect Brand Pink Salmon Made in U. S. A. \* \* \* G. Batcheller Hall Co. Distributor, Seattle, Washington."

Adulteration of the article was alleged in the libel for the reason that it was filthy, decomposed, and putrid.

On April 9, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11438. Adulteration of sauerkraut. U. S. v. 115 Cases of Sauerkraut. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17303. I. S. No. 3287-v. S. No. E-4313.)**

On or about March 1, 1923, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 115 cases of sauerkraut, remaining unsold in the original unbroken packages at Augusta, Ga., alleging that the article had been shipped by W. H. Killian, Baltimore, Md., on or about November 24, 1922, and transported from the State of Maryland into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Killian's Kuality Sauer Kraut Contents 1 Lb. 13 Oz. \* \* \* Packed By W. H. Killian Co. Baltimore, U. S. A."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive brine, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for sauerkraut, which the article purported to be.

On April 7, 1923, the W. H. Killian Co., Baltimore, Md., claimant, having admitted the allegations of the libel and consented to the entry of a decree of condemnation and forfeiture, it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be relabeled as follows: "Slack filled. A package of this size should contain 1 pound 7 ounces drained kraut. Actual cut-out weight of this can between 1 pound and 1 pound 4 ounces."

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11439. Adulteration and misbranding of horse and mule feed. U. S. v. 500 Sacks of Horse and Mule Feed. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17447. I. S. No. 10285-v. S. No. E-4351.)**

On April 4, 1923, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 500 sacks of horse and mule feed, remaining in the original unbroken packages at Atlanta, Ga., alleging that the article had been shipped by the Mississippi Elevator Co., Memphis, Tenn., on or about March 7, 1923, and transported from the State of Tennessee into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tag) "100 Lbs. Net When Packed Horse & Mule Feed (Sweet) Manufactured By Mississippi Elevator Company Memphis, Tenn. Guaranteed Analysis Protein Minimum 9.00% Fat Minimum 2.00% \* \* \* Fibre Maximum 15.00%."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein and fat and containing excessive fiber had been mixed and packed with and substituted wholly or in part for the said article so as to reduce, lower, and injuriously affect its quality and strength.

Misbranding was alleged in substance for the reason that the statements, "Guaranteed Analysis Protein Minimum 9.00% Fat Minimum 2.00% \* \* \* Fibre Maximum 15.00%," borne on the label, were false and misleading and deceived and misled the purchaser into the belief that the said article contained a minimum of 9 per cent of protein, a minimum of 2 per cent of fat, and a maximum of 15 per cent of fiber, whereas, in truth and in fact, the article did not contain a minimum of 9 per cent of protein or a minimum of 2 per cent of fat and did contain more than 15 per cent of fiber.

On April 5, 1923, the Mississippi Elevator Co., Memphis, Tenn., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*



**11440. Adulteration and misbranding of concentrated sweetener. U. S. v. 2 10-Pound Cans, et al., of Wood's Special Concentrated Sweetener. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13670. I. S. Nos. 6319-t, 6322-t. S. No. E-2734.)**

On September 8, 1920, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 pounds of Wood's special concentrated sweetener, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., in part on or about April 21 and in part on or about June 20, 1920, and transported from the State of Missouri into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Wood's Special Concentrated Sweetener 500—500 Soluble in Cold Water Not sold as a drug W. B. Wood Mfg. Co., St. Louis, Mo."

Adulteration of the article was alleged in substance in the libel for the reason that starch and a certain quantity of saccharin, which has no food value, had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that starch and saccharin had been substituted wholly or in part for a product purporting to be a concentrated sweetener. Adulteration was alleged for the further reason that the article contained an added poisonous or deleterious ingredient, to wit, saccharin, which might render it injurious to health.

Misbranding was alleged in substance for the reason that the labels on the cans containing the article bore certain statements which were false and misleading, that is to say, the said labels bore the following words, "Special Concentrated Sweetener 500," which words were intended to be of such a character as to mislead and deceive the purchaser, namely, to induce him to believe that the said product was concentrated sweetener, whereas, in truth and in fact, it was not but was a product containing a certain quantity of starch and saccharin. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On April 12, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11441. Adulteration and misbranding of feed. U. S. v. Edward P. Mueller and Paul W. Debs (E. P. Mueller). Pleas of guilty. Fine, \$150. (F. & D. No. 14928. I. S. Nos. 11069-r, 11070-r, 11075-r.)**

On August 10, 1921, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward P. Mueller and Paul W. Debs, copartners, trading as E. P. Mueller, at Chicago, Ill., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about July 25 and October 11, 1919, respectively, from the State of Illinois into the State of Michigan, of quantities of pea and barley feed and fine ground flax screenings, respectively, and on or about October 23, 1919, from the State of Minnesota into the State of Michigan, traversing the Northern District of Illinois, of a quantity of barley and flax, all of which were adulterated and misbranded. The articles were invoiced, respectively: "Pea and Barley Feed," "Fine Ground Flax Screenings," and "Barley and Flax." The barley and flax was represented in a confirmation of sale as a product containing not less than 15 per cent of protein, not less than 6 per cent of fat, and not more than 12 per cent of fiber.

Examination of a sample of the pea and barley feed by the Bureau of Chemistry of this department showed that it contained over 40 per cent of buckwheat hulls, millet, and millet hulls, included in which were small quantities of weed seeds and grains. It also contained whole buckwheat, whole barley, pearl barley, oats, peas, corn, sorghum, bean hulls, and limestone. Examination of a sample of the fine ground flax screenings by said bureau showed that it consisted mainly of ground flax straw with a small quantity of flax seed, weed seeds, and dust present. Analysis of a sample of the barley and flax by said bureau showed that it contained 5.30 per cent of fat, 12.43 per cent of protein, and 16.66 per cent of crude fiber.

Adulteration of the pea and barley feed was alleged in the information for the reason that certain substances, to wit, buckwheat, buckwheat hulls, oats, corn, millet, sorghum, bean hulls, weed seeds, millet hulls, whole barley, pearl barley, peas, and limestone, had been mixed and packed with the said article so as to injuriously affect its quality, and for the further reason that certain substances, to wit, buckwheat, buckwheat hulls, oats, corn, millet, sorghum, bean hulls, weed seeds, and limestone, had been substituted in part for pea and barley feed, which the said article purported to be.

Misbranding of the said pea and barley feed was alleged for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

Adulteration of the fine ground flax screenings was alleged for the reason that a flax by-product, to wit, flax straw, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted wholly or in part for fine ground flax screenings, which the said article purported to be.

Misbranding of the said fine ground flax screenings was alleged for the reason that it was a product composed mainly of ground flax straw, prepared in imitation of and offered for sale under the distinctive name of another article.

Adulteration of the barley and flax was alleged for the reason that it was a product consisting principally of various weed seeds with traces of ground grain and flax screenings, which had been mixed and packed with the article so as to lower and reduce and injuriously affect its quality and strength to the extent that the said article contained less than 15 per cent of protein, less than 6 per cent of fat, and more than 12 per cent of fiber. Adulteration was alleged for the further reason that substances, to wit, various weed seeds and traces of ground grain and flax screenings, had been substituted wholly or in part for barley and flax, which the article purported to be.

Misbranding of the barley and flax was alleged for the reason that the article was represented as complying with a guaranteed analysis which was made a part of a confirmation of sale, and that said statements of guarantee, to wit, "Protein 15% Fat 6% \* \* \* Fibre 12%," were false and misleading, and for the further reason that by the said invoice and confirmation of sale the article was represented as containing not less than 15 per cent of protein, not less than 6 per cent of fat, and not more than 12 per cent of fiber so as to deceive and mislead the purchaser into the belief that it contained not less than the said amounts of protein and fat and not more than the said amount of fiber, whereas, in truth and in fact, it contained less protein than 15 per cent, to wit, 12.43 per cent, it contained less fat than 6 per cent, to wit, 5.3 per cent, and it contained a greater amount of fiber than 12 per cent, to wit, 16.75 per cent.

On April 27, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$150.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11442. Adulteration of canned salmon. U. S. v. 1,974 Cases of Canned Salmon. Tried to the court and a jury. Directed verdict for claimant. Case taken to Circuit Court of Appeals on writ of error. Judgment of lower court reversed by Circuit Court of Appeals. (F. & D. No. 14262. I. S. No. 10533-t. S. No. W-847.)**

On January 25, 1921, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,974 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Cannery of Alaska Herring & Sardine Co., from Port Walter, Alaska, between the dates of June 28 and November 7, 1919, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Hypatia Brand Pink Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On May 20, 1922, A. O. Anderson & Co. having entered an appearance as claimant for the property, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel the claimant filed a motion for a directed verdict in its favor. The court thereupon sustained



the motion for a directed verdict on the grounds set forth in the following opinion by the court (Cushman, J.):

"There is little that occurs to me to add to what is said in the opinion of this court in the other case (N. J. 10512). As to the meaning of the statutory words, I find nothing in this case or in the argument to change my view expressed therein.

"I am convinced that under the showing made here there would be nothing to warrant the court in inferring or acting on the assumption that there was anything in doubt regarding the fairness of the samples taken, about which testimony has been given in this case, but, even so, I see no application either of the candy case or the sirup case or the oyster case to this. In the matter of the candy and in the matter of the sirup and in the matter of the oysters, there was a reasonable presumption of a fact or something in the nature of an issue of fact to submit to the jury. The jury might reasonably conclude that the oysters' feeding ground where the oysters had been gathered, being, as I understand that case, the same feeding ground, that each oyster fed on substantially the same product, and in the samples of the oysters taken each of them showed some varying amount of impurity—the jury would certainly be justified in concluding that all the other oysters, not sampled and not tested, would likewise contain a certain amount of impurity and render them unfit for food under this law. So in the case of the sirup, where it was labeled 'Maple' sirup, the cupidity of the manufacturer having induced him to label as maple sirup certain portions of a shipment that were not in fact maple sirup, the jury would be warranted in applying what they knew about human nature—the doctrine 'if false in one false in all'—that if the seller of the maple sirup was cheating and deceiving the public in the cans that were sampled, they would be justified in concluding that in the other cans so labeled but not sampled he was likewise cheating and defrauding the public by misbranding those. I am not entirely clear about the candy case, but I take it that comes under the same rule.

"Under the Government's own theory, the salmon were rotten before they were put in the cans. The individual fish, in being caught and transported to the cannery and held awaiting canning in the cannery, are subjected to different conditions—one fish is kept out of water longer than another before it is canned.

"I am convinced that the rule that obtains, that is adopted by the department, has grown out of the inconvenience and impractical nature of the problem of sampling each can. The expense of cutting open the cans and recanning the pure fish is so out of all proportion to the value of the product after it is canned, that it becomes impracticable to do so. You can not test all the cans without destroying all the product tested and, therefore, they have adopted this rule, but it does not change the meaning of the language in the statute.

"I still adhere to the view that the 'article' of the statute is a single can of salmon, just as much so as if you had a herd of cattle, a part of which were tubercular and the rest were not; a single head of stock would be the article; we would not conclude that the entire herd of cattle were to be destroyed because ten per cent or twenty per cent of them were tubercular. There you have means of testing the individual animal, but the great inconvenience that arises by reason of the nature of a can of salmon in testing it by any means known has brought about this attempt to fix a standard.

"I am impressed with the proposition that the housewife or cook would be able to protect the consumer against impurities of the nature described in the testimony here. The reason I am convinced of that is that there does not appear to be any substantial or any striking difference between the percentages given by those men who are experienced in examining salmon, who do not resort to chemical tests, and those witnesses who have resorted to chemical tests. The men who are used to examine salmon simply relying on their eyes and their noses, have discarded and found impure practically the same percentage of salmon that those chemically testing it have done; I am not sure but what they have rejected on an average more than those who have chemically tested the salmon.

"I do not say that the department, after investigation, where the product was in bulk, where you could treat the bulk as the article, might not reasonably adopt a standard, because there are more or less impurities in all food—it is a common expression that 'everyone has to eat his peck of dirt sometime'—and they would be justified in resorting to percentages, but I do not conceive that if you take a number of articles of which you may find ten per cent or

twenty per cent of the articles impure, that they are justified in condemning or asking the court to condemn the remaining articles that are not impure.

"The exigencies of the case, the danger to the public if the impure article is poisonous, might justify the banning of the entire number of articles and give reason and plausibility to a ruling that that was the intent of Congress. I conclude it does not warrant the court in concluding in the absence of positive language leaving no room for doubt, that it was the intent to destroy 1,600 cases of good salmon out of a total of 2,000 cases. So the motion for a directed verdict will be granted. The clerk will prepare the form and the bailiff call the jury in."

Thereupon the court directed the jury to find a verdict in favor of said claimant.

On September 20, 1922, the Government having perfected an appeal, the case came up for review on a writ of error before the United States Circuit Court of Appeals for the Ninth Circuit. On November 11, 1922, the Circuit Court of Appeals reversed the judgment of the lower court as will more fully and at large appear from the following decision (Rudkin, *D. J.*):

"This is a proceeding by libel under the Pure Food and Drug [Drugs] Act (34 Stat. 768) for the condemnation of 1,974 cases of canned salmon. The proceeding is based on the following provision of section 7 of the act: 'That for the purposes of this Act an article shall be deemed to be adulterated: \* \* \* In the case of food: \* \* \* Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.' The case was tried before a jury on the demand of the Government, as provided in section 10 of the act.

"It appeared from the testimony on the part of the Government that 408 cans were selected at random from 408 of the 1,974 cases on three different occasions, 24 cans in the first lot, 192 cans in the second lot, and 192 cans in the third lot. The chemist who made the analysis of the first lot of 24 cans was not available as a witness and there is no evidence in the record as to their quality or condition. One hundred and forty-four cans of the second lot were first analyzed, and these were found to contain 28 putrid or tainted cans and 18 stale cans. The remaining 48 cans of the second lot were later analyzed and found to contain 8 putrid or tainted cans and 1 stale can. The third lot of 192 cans was also analyzed, and was found to contain 35 putrid or tainted cans and 12 stale cans. A putrid or tainted can is one containing rotten and decayed salmon whose odor is offensive to the smell. A stale can is one plainly disclosing the beginning of decomposition, but not in so advanced a stage as the putrid or tainted one. It thus appeared that nearly one-fifth of the product analyzed was putrid or tainted and approximately one-fourth either putrid or tainted or stale. It further appeared that the condition of the salmon was apparent on ordinary inspection when exposed, and that decayed salmon is not injurious to health. The claimant offered no testimony, and upon its motion the court directed the jury to return a verdict in its favor. From the judgment on the verdict the plaintiff sued out the present writ of error.

"Rudkin, district judge (after stating the facts as above) delivered the opinion of the court. The court below directed a verdict in favor of the defendant in error upon the ground that the article of food referred to in the statute is the single or individual can of salmon and not the entire case or lot. If this interpretation of the statute is correct the Government, of course, failed in its proof, and will of necessity meet the same fate in every other case of this kind unless it is able to prove that each and every part and parcel of the food product is adulterated within the meaning of the law. Is this a correct interpretation of the statute?

"The ordinary definition of the word 'article' is an extremely comprehensive one. In the primary meaning, as given in the dictionaries, it designates one thing or many, one item of several, a portion of complex whole. The best source, however, to which we should apply to determine the definition of a word used in a statute is the statute itself.' (*Junge v. Hedden*, 37 Fed. 197; *Id.*, 146 U. S. 233.)

"The meaning of the word 'article' must therefore be gathered from a consideration of the entire act, and we may add in this connection that the rule of strict construction invoked by the defendant in error has little or no application



to statutes designed to promote the public health or public safety. Section one of the act prohibits the manufacture within any Territory or the District of Columbia of any article of food or drugs, adulterated or misbranded within the meaning of the act; section two prohibits the introduction of any such article into any State or Territory or into the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country; section six defines adulteration; and section ten prescribes the procedure for the condemnation. In all of these sections we are convinced that the word 'article' is used in its broad and comprehensive sense, and has reference to the food product, not to the smallest individual container. Any other construction would defeat the entire purpose of the law. If the contention of the defendant in error is sound, it is subject to a fine of not exceeding two hundred dollars for each can of salmon introduced into the State, and to a fine of not exceeding three hundred dollars for each subsequent offense. Against such a claim on the part of the Government or such a construction of the statute, we think the defendant in error would have just and ample grounds for complaint.

"The defendant in error seeks to uphold the judgment on other grounds. First, it is urged that decomposition sets in immediately after the death of animals or fish; that a literal construction of the act would exclude from interstate commerce all canned fish and meat products; that for this reason the court must hold that Congress intended to prohibit the introduction into interstate commerce of products containing an unreasonable amount or quantity of decomposed matter only, and that the statute as thus construed is void for uncertainty under the decision in *U. S. v. Cohen Grocery Co.*, 255 U. S. 81, and kindred cases. This argument is more specious than sound. Decomposition may begin where life ends, but meat or fish is not decomposed at that early stage. Decomposed means more than the beginning of decomposition; it means a state of decomposition, and the statute must be given a reasonable construction to carry out and effect the legislative policy or intent. Answering a similar contention in *U. S. v. Two Hundred Cases of A. T. Catsup*, 211 Fed. 780, the court said:

"It is argued for the claimant that since the presence of bacteria, mold, and yeast in any quantity is evidence of decomposition or the process of decomposition, and there is no fixed standard by which it can be determined when a product has reached such a stage of decomposition as to 'consist in whole or in part of filthy, decomposed, or putrid vegetable substance,' the Government can not prevail. I infer from the testimony of the experts that it would be difficult, if not impossible, to fix any arbitrary standard by which the question could be determined, as it depends upon so many contingencies. In any event, no such standard has been fixed, in the absence of which each case must be determined on its own facts, and when it appears as in this case, that the product is so far decomposed as to be unfit for food, it comes within the letter and spirit of the law."

"The case answers the further contention on the part of the defendant in error that adulterated salmon is not injurious to health or dangerous to life.

"It was also urged that, since there is no proof that the product in question would be injurious to health, a verdict should be ordered in favor of the claimant; but I do not understand that such proof is necessary or required under the provisions of the Food and Drug [Drugs] Act, on which this proceeding is based."

"It appeared from the cross examination of the Government witnesses that they have heretofore suffered canned salmon containing a small percentage of filthy, decomposed, or putrid matter to pass in interstate commerce unchallenged, but there is no room for controversy over percentages under the statute itself, for it excludes all. Of course, where the entire product is not inspected or tested the proof must go far enough to satisfy the court or jury that the adulteration extends to the whole product sought to be condemned. And while a small percentage of adulteration found only in a small percentage of the product might not and would not ordinarily satisfy the court or jury that the whole product is adulterated, yet in a case like this, where the jury might properly infer or find that approximately one-fifth of the entire product was unfit for human consumption and that the adulteration extended to the entire product, no such question can arise.

"It is further argued that the court should not destroy 1,600 cases of good salmon because 400 cases of the same lot are found to be adulterated. In answer to this we need only say that destruction does not follow condemna-

tion as a matter of course. Section ten of the act provides for the restoration of the goods on payment of the costs and the giving of a sufficient bond to the effect that the articles will not be sold or otherwise disposed of contrary to the provisions of the act. Under this provision the defendant in error may, and will doubtless be permitted to, separate the good from the bad, and the burden of so doing should rest upon it, and not upon the Government or the ultimate consumer. If it can not do this, it is its own misfortune and it must suffer the consequences.

"The judgment of the court below is reversed, and the cause is remanded for further proceedings not inconsistent with this opinion."

Steps are being taken on behalf of the claimant to have the decision of the Circuit Court of Appeals reviewed by the Supreme Court of the United States.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11443. Adulteration and misbranding of butter. U. S. v. 10 Cases of Avondale Creamery Butter. Decree of condemnation entered. Product released under bond to be reworked and relabeled. (F. & D. No. 16378. I. S. No. 8196-t. S. No. E-3895.)**

On or about June 6, 1922, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of Avondale creamery butter, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by Morris & Co., from Nashville, Tenn., May 23, 1922, and transported from the State of Tennessee into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Avondale Fine Creamery Butter One Pound Net."

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed with and substituted in part for the said article.

Misbranding of the article was alleged for the reason that the statements on the labels of the cartons containing the article, regarding the article, "Butter One Pound Net," were false and misleading since the said article was not pure butter and the packages did not contain one pound net but did contain less than that amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On or about June 20, 1922, Morris & Co., Inc., having appeared as claimant for the property and having admitted the allegations contained in the libel and filed a bond in the sum of \$310.50, in conformity with section 10 of the act, conditioned upon the compliance by the claimant with the decree of the court, judgment was entered ordering that the product be released to the claimant to be reshipped to the Belle Meade Butter Co., Nashville, Tenn., to be reworked, repacked, and relabeled by the said Belle Meade Butter Co., under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11444. Misbranding of vinegar. U. S. v. 417 Kegs of Vinegar. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 16605. I. S. Nos. 8538-t, 8539-t. S. No. E-4040.)**

On or about July 12, 1922, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 417 kegs of vinegar, remaining unsold in the original kegs at Sewell's Point, Va., alleging that the article had been shipped by the Brocton Products Co., Brocton, N. Y., on or about May 24, 1922, and transported from the State of New York into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "16 Gall. Pure Cider Vinegar 45 Gr."

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the said article, to wit, "16 Gall. Pure Cider Vinegar," were false since the article contained evaporated apple products.

On March 14, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be rebranded and sold by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*



**11445. Adulteration and misbranding of potatoes. U. S. v. 225 Sacks of Potatoes. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 16819. I. S. No. 8851-v. S. No. C-3804.)

On September 15, 1922, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 225 sacks of potatoes, remaining in the original unbroken packages at Akron, Ohio, alleging that the article had been shipped by the Jones-Howe Co., Hightstown, N. J., on or about September 5, 1922, and transported from the State of New Jersey into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: "150 Pounds Net U. S. Grade No. 1 Hutchinson and Rue, Windsor, New Jersey." The remainder of the said article was labeled in part: "U. S. Grade No. 1 C. & B. 150 Pounds Net When Packed Chamberlain and Barclay, Cranbury and Hightstown, New Jersey."

Adulteration of the article was alleged in the libel for the reason that potatoes of lower grade than designated had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the statement, "U. S. Grade No. 1," borne on the sacks containing the article, was false and misleading and deceived and misled the purchaser.

On September 20, 1922, the Jones-Howe Co., Hightstown, N. J., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11446. Adulteration of shell eggs. U. S. v. 37 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 16875. I. S. No. 3938-v. S. No. C-3803.)

On September 12, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 37 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Norris Poultry & Egg Co., from Burlington Junction, Mo., August 23, 1922, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On September 15, 1922, the Norris Poultry & Egg Co., St. Joseph, Mo., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed and the good portion delivered to the claimant.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11447. Adulteration of canned salmon. U. S. v. 40 Cases, et al., of Pink Salmon. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 17267, 17268, 17269. I. S. No. 5837-v. S. No. C-3877.)

On February 9, 1923, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 350 cases of pink salmon, remaining in the original unbroken packages in part at Port Arthur, Tex., and in part at Beaumont, Tex., alleging that the article had been shipped by the Kelley-Clarke Co., Seattle, Wash., December 8, 1922, and transported from the State of Washington into the State of Texas, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Snowshoe Brand Select

Pink Alaska Salmon Packed In Alaska By Southern Alaska Canning Co. \* \* \* Seattle, Wash. Contents One Pound."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On April 3, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11448. Adulteration of sauerkraut. U. S. v. 20 Cases of Sauerkraut. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17292. I. S. No. 2680-v. S. No. E-4309.)

On February 19, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 20 cases of sauerkraut, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the W. H. Killian Co., Baltimore, Md., alleging that the article had been shipped from Baltimore, Md., on or about December 15, 1922, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Killian's Kuality \* \* \* Sauer Kraut Contents 1 Lb. 13 Oz. \* \* \* Packed By W. H. Killian Co. Baltimore, U. S. A."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted in whole or in part for the said article.

On April 30, 1923, the W. H. Killian Co., Baltimore, Md., having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$50, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11449. Adulteration of butter. U. S. v. 75 Cubes of Butter. Decree ordering release of product under bond to be reconditioned and re-labeled.** (F. & D. No. 17318. I. S. No. 8288-v. S. No. W-1337.)

On or about March 6, 1923, the United States attorney for the Eastern District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 75 cubes of butter, remaining unsold in the original unbroken packages at Spokane, Wash., consigned by the Marion Creamery Co., Gooding, Idaho, alleging that the article had been shipped from Gooding, Idaho, on or about February 14, 1923, and transported from the State of Idaho into the State of Washington, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that excessive moisture had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that fat, a valuable constituent of butter, had been wholly or in part abstracted from the said article.

On March 8, 1923, the Hazelwood Co., Ltd., having appeared as claimant for the property and having applied for permission to recondition and relabel the same, judgment of the court was entered ordering that the product be released to the said claimant upon the execution of a bond in the sum of \$250, in conformity with section 10 of the act.

C. F. MARVIN, *Acting Secretary of Agriculture.*

**11450. Misbranding and alleged adulteration of pie filling. U. S. v. Sherer-Gillett Co., a Corporation. Tried to the court and a jury. Verdict of guilty on the misbranding charge. Fine, \$200 and costs. Adulteration charge dismissed.** (F. & D. No. 12314. I. S. Nos. 5280-r. 5281-r.)

On November 30, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the



Sherer-Gillett Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 21, 1919, from the State of Illinois into the State of Wyoming, of quantities of lemon pie filling and orange pie filling which were misbranded and alleged to have been adulterated. The articles were labeled in part: "Magic Brand Trade Mark High Quality Lemon" (or "Orange") "Pie Filling" \* \* \* Manufactured by Sherer-Gillett Co. Chicago.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they consisted of cornstarch, flavored with a small amount of orange or a small amount of lemon oil, as the case might be, and contained tartaric acid.

Adulteration of the articles was alleged in the information for the reason that certain substances, to wit, cornstarch and tartaric acid, flavored with lemon oil or with orange oil, as the case might be, had been mixed and packed therewith so as to lower and reduce and injuriously affect their quality and strength and had been substituted in part for lemon pie filling or orange pie filling, as the case might be, which the said articles purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Lemon Pie Filling," "contains in a concentrated form the same ingredients used by the housewife in making Lemon Pie," and "Orange Pie Filling," "contains in a concentrated form the same ingredients used by the housewife in making Orange Pie," borne on the packages containing the respective articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the articles were lemon pie filling which contained in a concentrated form the same ingredients used by the housewife in making lemon pie, or orange pie filling which contained in a concentrated form the same ingredients used by the housewife in making orange pie, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were lemon pie filling which contained in a concentrated form the same ingredients used by the housewife in making lemon pie, or orange pie filling which contained in a concentrated form the same ingredients used by the housewife in making orange pie, as the case might be, whereas, in truth and in fact, they were not but were mixtures composed in part of cornstarch and tartaric acid, flavored with lemon oil or orange oil, as the case might be.

On April 9, 1923, the case came on for trial before the court and a jury. After the submission of evidence and arguments by counsel the court delivered the following instructions to the jury (Cliffe, J.):

"Gentlemen of the jury, this is an action brought in which the United States Government is the plaintiff and the Gillett Company here is the defendant, and it is brought under the so-called law known as the Food and Drug [Drugs] Act of June 30, 1909. This is an act for preventing the manufacture, sale or transportation of adulterated or misbranded food products, medicines or liquors and for regulating the traffic therein and for other purposes. It is a law of commerce.

"The present prosecution is based on an information which is filed in this court, and this information contains four counts, setting up the offense charged. But I instruct you that you are to disregard counts one and three and are only to consider counts two and four, and counts two and four relate to what is known and designated in the law as misbranding, and it is covered under section eight of the law that I have referred to. I read to you section eight which refers to misbranding particularly to that term 'misbranding' of section eight of this law. The term 'misbranding' as used herein, as used in this law, shall apply to all drugs or articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such articles or the ingredients or the substance contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded. An article shall also be deemed to be misbranded in case of food if it is labeled or branded so as to deceive or mislead the purchaser.

"There are several questions that enter into the consideration of this case, and one of which is the question of interstate commerce, that is, that the product in question was shipped from one State to another, and counsel have entered into a stipulation or an agreement, which has been offered in evidence, which admits certain facts in the case. It is agreed by the respective counsel that these witnesses if placed upon the witness stand would testify to the facts hereinafter set forth; and that this be given the same weight by the court and

jury herein as if such witnesses were placed on the witness stand and testified to such facts in open court; and that the facts hereinafter set forth shall by the court and jury and parties hereto be taken to be true and correct; that the Sherer-Gillett Company, a corporation, having a place of business in the city of Chicago, on the 21st day of February in 1919, did knowingly ship and deliver to be shipped by way of the Union Pacific Railroad, being a common carrier, from the city of Chicago to Rawlins, Wyoming, assigned to J. A. Hobbs, an article of food in a package designated and labeled as follows, which you have the samples before you, 'Magic Brand Trade Mark Lemon Pie Filling Absolutely Pure and of Good Keeping Qualities \* \* \* contains in concentrated form the same ingredients used by the housewife in making a Lemon Pie Manufactured By Sherer-Gillett Co. Chicago, Illinois.' The stipulation admits that they did ship and deliver for shipment this article of food in package form as designated, labeled and branded. And it is before you without rereading the label in regard to orange pie filling; and that it also admits that this product was received at Rawlins, Wyoming, by J. A. Hobbs on or about the 6th day of March, 1919, in the due course of business; and then it also admits that on the 27th day of May, 1919, C. Stanley Greenbaum, a duly and lawfully appointed inspector of the Bureau of Chemistry of the United States Department of Agriculture, purchased from Mr. Hobbs, which he had a right to do, samples of the food aforesaid, and immediately after purchasing, the same was duly sealed and designated with numbers, that have been adduced in evidence here, and delivered by him to the department of chemistry of the said department for analysis, concerning which said witness testified and shall be taken and considered by the court and jury and the parties hereto to be the analysis made by the bureau. The stipulation is signed by both parties and is admitted in evidence.

"As to counts two and four, count two charges that on the 21st day of February, 1919, in violation of the act of Congress, June 30, 1909, known as the Food and Drug [Drugs] Act, this defendant did unlawfully ship and deliver for shipment by way of the Union Pacific Railroad Company, a common carrier, to its assignee in Rawlins, State of Wyoming, a number of packages, each package containing an article designed and intended to be used as an article of food, which said packages were labeled, marked, and branded as already described; that the said articles of food when shipped and delivered for shipment as aforesaid was [were] misbranded in that the statement was made as to the lemon pie filling that it 'contains in a concentrated form the same ingredients used by the housewife in making lemon pie;' that the branding on the packages containing the articles, regarding the articles and the ingredients, were false and misleading, and that they represented that the article called lemon pie filling did contain in a concentrated form the same ingredients used by the housewife in making lemon pie, whereas, in truth and in fact, said article was not lemon pie filling which contained in concentrated form, etc., and the same allegation is made as to orange pie filling.

"Now in this information, as I said to you, you are to consider counts two and four. I instruct you that the information in this case preferring this charge against the defendant is no evidence whatever of the guilt of the defendant. It is simply an accusation or charge and no juror should suffer himself to be influenced in the slightest degree by the fact that this information has been returned against the defendant.

"The court instructs you if you find from the evidence beyond a reasonable doubt that the label is false and misleading in any particular you should find the defendant guilty. It is not necessary for the Government to prove nor for you to find that the label is false or misleading as a whole, it is sufficient for you to find from the evidence that the label is false or misleading in any particular.

"You are further instructed that if you find the label is false or misleading in any particular that it is immaterial whether these false statements are placed there consciously or unconsciously, if you find from the evidence that it is there, your verdict should be guilty.

"It is the duty of the jury to receive the law as it is given them by the court. It is the exclusive province of the court to determine what the law is, and the jury have no right to hold the law to be otherwise in any particular than is given to them by the court.

"The court instructs you as a matter of law that in considering the case you are not bound to go outside of the evidence to hunt up doubts nor must you entertain a conjectural doubt. The doubt must arise from an impartial in-



vestigation of all the evidence in the case and unless it is such that were the same experience had in the graver transactions of life it would cause a reasonable and prudent man to hesitate and pause, it is sufficient for you to return a verdict of not guilty.

"The court instructs the jury that the fact that certain bakers used certain materials in making up lemon pie and orange, does not oblige others to use the same or similar ingredients. The defendant had the right to use any harmless ingredients it desired in making up the orange or lemon pie in question providing in so doing it did not label the product so as to deceive or mislead the purchaser."

The jury then retired and after due deliberation returned a verdict of guilty on the misbranding charges. The defendant thereupon filed a motion for a new trial, and on April 28, 1923, the motion for a new trial was withdrawn, and the court imposed a fine of \$200 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

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Bliss Syrup Refining Co-----	11436	
currant:		
Bliss Syrup Refining Co-----	11436	
raspberry:		
Bliss Syrup Refining Co-----	11436	
Kidney food:		
Fisheropathic College Assoc--	11402	
Milk:		
St. Louis Dairy Co-----	*11430	
Mixed feed. <i>See</i> Feed.		
Molasses feed. <i>See</i> Feed.		
Oat feed. <i>See</i> Feed.		
Oil, olive:		
Alpha Importing Co-----	11434	
Olive oil. <i>See</i> Oil.		
Oysters. <i>See</i> Shellfish.		
Pea feed. <i>See</i> Feed.		
Peach jam. <i>See</i> Jam.		
Pie filling:		
Sherer-Gillett Co-----	*11450	
Pineapple emulsion. <i>See</i> Extract.		
jam. <i>See</i> Jam.		
Plough's Prescription C-2223:		
Plough Chemical Co-----	11418, 11429	
Potatoes:		
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Michaud, T. T-----	11401	
Prescription C-2223:		
Plough Chemical Co-----	11418, 11429	
Raspberry jelly. <i>See</i> Jelly.		
Salmon. <i>See</i> Fish.		
San-Yak:		
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Killian, W. H-----	11438, 11448	
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Dunbar-Dukate Co-----	11407, 11408	
Strawberry emulsion. <i>See</i> Extract.		
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Uterine tonic:		
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Vanilla beans:		
Lorentzen, J. W., & Co-----	11417	
Vinegar:		
Brocton Products Co-----	11444	
Lancaster Vinegar Co-----	11411	
Powell Corp-----	11426	
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Sanitary Nut Shelling Co-----	11409	
Sutton, Sam-----	11425	
Wood's concentrated sweetener:		
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# United States Department of Agriculture.

## SERVICE AND REGULATORY ANNOUNCEMENTS.

### BUREAU OF CHEMISTRY.

### SUPPLEMENT.

N. J. 11451-11500.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., September 21, 1923.]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**11451. Adulteration and misbranding of butter. U. S. v. Mississippi Creameries Co., Inc., a Corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 16210. I. S. No. 1486-t.)**

On December 4, 1922, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Mississippi Creameries Co., Inc., a corporation, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about July 21, 1921, from the State of Mississippi into the State of Louisiana, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "One Pound Net Weight Rosedale Creamery Butter."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 77.5 per cent of butterfat. Examination by said bureau showed that the average net weight of 30 1-pound cartons was 15.25 ounces.

Adulteration of the article was alleged in the information for the reason that a valuable constituent of the article, to wit, butterfat, had been in part abstracted.

Misbranding was alleged for the reason that the statement, to wit, "One Pound Net Weight," borne on the package containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the said packages contained 1 pound net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of the article, whereas, in truth and in fact, each of said packages did not contain 1 pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 16, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11452. Adulteration and misbranding of butter. U. S. v. 15 Cases of Butter. Decree of condemnation entered. Product released under bond to be reworked and relabeled. (F. & D. No. 16332. I. S. No. 8185-t. S. No. E-3873.)**

On May 22, 1922, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 cases of butter, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped

by the Cumberland Valley Creamery, Inc., Nashville, Tenn., May 9, 1922, and transported from the State of Tennessee into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "One Pound Net Sunlight Creamery Butter Sunlight Creameries Washington, C. H. Ohio."

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed with and substituted in part for the said article.

Misbranding of the article was alleged for the reason that the statement on the label of the cartons containing the article, "One Pound Net Sunlight Creamery Butter," was false and misleading since the article was not pure butter and the package did not contain 1 pound net, but did contain less than that amount. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, butter, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the statement made was not correct.

On July 20, 1922, the Cudahy Packing Co., Inc., having appeared as claimant for the property and having admitted the allegations in the libel, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$60, in conformity with section 10 of the act, conditioned in part that it be re-shipped to the Cumberland Valley Creamery, Inc., Nashville, Tenn., to be re-worked and relabeled under the supervision of this department, and that the claimant pay the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11453. Adulteration and misbranding of butter. U. S. v. 44 Cases of Butter. Decree of condemnation and forfeiture. Product released under bond to be reworked and relabeled. (F. & D. No. 16351. I. S. No. 8191-t. S. No. E-3890.)**

On July 26, 1922, the United States attorney for the Southern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 44 cases of butter, remaining unsold in the original unbroken packages at Savannah, Ga., alleging that the article had been shipped by the Davidson County Creamery Co., from Lexington, N. C., May 21, 1922, and transported from the State of North Carolina into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Piedmont \* \* \* Pure Creamery Butter \* \* \* One Pound Net Davidson County Creamery Co. Lexington, N. C. \* \* \* Each Pound Guaranteed."

Adulteration of the article was alleged in the libel for the reason that excessive water had been mixed and packed with and substituted in part for the article.

Misbranding was alleged for the reason that the statements on the labels of the cartons containing the article, regarding the said article, "Butter \* \* \* One Pound Net," were false and misleading since the said article was not pure butter and the packages did not contain one pound net but considerably less than that amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 26, 1922, the Davidson County Creamery Co., Lexington, N. C., claimant, having admitted the allegations in the libel and having filed a bond in the sum of \$200 in conformity with section 10 of the act, conditioned upon compliance by the claimant with the decree of the court, judgment of condemnation was entered, and it was ordered by the court that the product be released to the said claimant to be reshipped to the claimant at Lexington, N. C., for re-working, repacking, and relabeling under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11454. Adulteration of chloroform. U. S. v. 1,000 Tins and 40 Tins of Chloroform. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16431, 16595. S. Nos. E-3965, E-4039.)**

On or about June 19 and July 10, 1922, respectively, the United States attorney for the Southern District of Georgia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 1,040 tins of chloroform at



Savannah, Ga., alleging that the article had been shipped from New York, N. Y., in part on or about February 24, 1922, and in part on May 26, 1922, and transported from the State of New York into the State of Georgia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform for Anaesthesia."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the chloroform in one shipment was turbid, contained hydrochloric acid, free chlorin, impurities decomposable by sulphuric acid, and chlorinated decomposition products, and upon evaporation it left a foreign odor, and that in the other shipment it was turbid, contained chlorid, impurities decomposable by sulphuric acid, and chlorinated decomposition products, and upon evaporation it left a foreign odor.

Adulteration of the article was alleged in the libels for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of the shipment of the said product.

On January 19, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11455. Adulteration and misbranding of shorts. U. S. v. 135 Sacks of Shorts. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 16488. S. No. W-1124.)

On or about July 1, 1922, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 135 sacks of shorts, remaining in the original unbroken packages at Washougal, Wash., alleging that the article had been shipped by the C. A. Babcock Co., Portland, Oreg., on or about March 25, 1922, and transported from the State of Oregon into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was invoiced as "Std. Shorts."

Adulteration of the article was alleged in the libel for the reason that substances consisting essentially of bran and oat hulls had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the statement, "Std. Shorts," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, and for the further reason that it was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 19, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11456. Adulteration of canned salmon. U. S. v. 2,149 Cases, et al., of Salmon. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 17153 to 17168, incl., 17223 to 17228, incl. 1. S. Nos. 188-v, 253-v, 254-v, 256-v. S. Nos. E-4267, E-4271, E-4272, E-4298.)

On January 17 and February 6, 1923, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 4,921 cases of salmon, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by the Warren Packing Co., from Portland, Oreg., in various consignments, namely, on or about July 19, August 2, September 12, and September 19, 1922, respectively, and transported from the State of Oregon into the State of New York, and charging adulteration in violation of the Food and Drugs Act. A portion of the article (2,514 cases) was labeled in part: (Cans) "Fancy Columbia River Blue Back \* \* \* Spring Catch Contents 8 Ounces Salmon \* \* \* Warren Packing Company, Distributors Cathlamet, Wash. Warrendale, Ore." The remainder of the said article (2,407 cases) was labeled similarly except that the words, "Fresh Columbia River," were used in place of "Fancy Columbia River Blue Back."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 2, 1923, the Warren Packing Co., claimant, having admitted the allegations in the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$14,010, in conformity with section 10 of the act, conditioned in part that it be returned to the factory at Portland, Oreg., to be sorted, the bad portion destroyed and the good portion released, the final disposition of the said product to be made under the supervision and to the satisfaction of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11457. Adulteration and misbranding of canned clams. U. S. v. 98 Cases, et al., of Canned Clams. Decrees entered ordering release of product under bond to be reconditioned and relabeled.** (F. & D. Nos. 17200, 17210, 17298. I. S. Nos. 8262-v, 8272-v, 8279-v. S. Nos. W-1296, W-1302, W-1319.)

On or about February 2, 3, and 27, 1923, respectively, the United States attorney for the Eastern District of Washington, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 240 cases of canned clams, remaining unsold in the original unbroken packages at Spokane, Wash., consigned by the Polar Fisheries Co., from Snug Harbor, Alaska, alleging that the article had been shipped from Snug Harbor, Alaska, in part on or about August 16 and in part on or about September 11, 1922, and transported from the Territory of Alaska into the State of Washington, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Far-North Ocean Clams (Minced) 10 Oz. Net Contents \* \* \* Packed By Polar Fisheries Co. Alaska Main Office: Seattle, Wash."

Adulteration of the article was alleged in substance in the libels for the reason that excessive brine or liquor had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted wholly or in part for the said article.

Misbranding of the article was alleged in substance for the reason that the statement, "Clams (Minced) 10 Oz." or "Clams (Minced)," was false and misleading and deceived and misled the purchaser in that the said article contained excessive brine or liquor. Misbranding was alleged for the further reason that the article was offered for sale under the name of another article.

On February 24, 1923, the Powell-Sanders Co. and the McClintock-Trunkay Co., both of Spokane, Wash., having appeared as claimants for respective portions of the product, and on March 13, 1923, the Roundup Grocery Co., Spokane, Wash., having appeared as claimant for the remainder thereof, and the claimants having applied for permission to recondition and relabel the said product, judgments of the court were entered ordering that the product be released to the respective claimants upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$1,500, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11458. Adulteration and misbranding of cottonseed meal. U. S. v. 600 Sacks of Cottonseed Meal. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17430. I. S. No. 23452-t. S. No. E-4336.)

On March 27, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 600 sacks of cottonseed meal, remaining in the original unbroken packages at Northampton, Mass., alleging that the article had been shipped by the Humphreys-Godwin Co., from Augusta, Ga., on or about February 6, 1923, and transported from the State of Georgia into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "100 Pounds Net Danish Brand Cotton Seed Feed Guaranteed Analysis Protein 36.00% Equivalent Nitrogen 5.75% \* \* \* Manufactured For Humphreys-Godwin Company Memphis, Tenn. Made From Cottonseed Meal and Cottonseed Hulls."



Adulteration of the article was alleged in the libel for the reason that a substance low in protein had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted in whole or in part for cottonseed meal containing 36 per cent of protein, the equivalent of 5.75 per cent of nitrogen, which the said article purported to be.

Misbranding of the article was alleged for the reason that the statement regarding the article and the ingredients and substances contained therein, to wit, "Guaranteed Analysis Protein 36.00% Equivalent Nitrogen 5.75%," borne on the sacks containing the article, was false and misleading and deceived and misled the purchaser in that the said statement represented that the article contained 36 per cent of protein, the equivalent of 5.75 per cent of nitrogen, whereas, in fact and in truth, it did not but did contain a less amount.

On April 17, 1923, the Humphreys-Godwin Co., Memphis, Tenn., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11459. Adulteration and misbranding of canned salmon. U. S. v. 24 Cases and 48 Cases of Salmon. Consent decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17454. I. S. Nos. 8660-v, 8661-v. S. No. W-1369.)

On April 12, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 72 cases of salmon, remaining in the original unbroken packages at San Francisco, Calif., consigned by C. O. Swanson, Hoquiam, Wash., alleging that the article had been shipped from Hoquiam, Wash., March 23, 1923, and transported from the State of Washington into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Can) "Salmon \* \* \* Packed by Hoquiam Packing Co. Hoquiam, Wash. Copalis Brand \* \* \* Salmon Pink." The remainder of the said article was labeled in part: "Copalis Brand \* \* \* Salmon Chinook \* \* \* Hoquiam Packing Co. Hoquiam, Wash."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the statements, "Pink" and "Chinook," appearing on the respective containers, were false and misleading and deceived and misled the purchaser.

On April 24, 1923, the claimant for the property having appeared and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11460. Adulteration and misbranding of tuna fish. U. S. v. 675 Cases of Tuna Fish. Decree entered ordering release of product under bond to be relabeled.** (F. & D. No. 13683. I. S. No. 12093-r. S. No. C-2504.)

On September 14, 1920, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 675 cases of tuna fish at Memphis, Tenn., alleging that the article had been shipped by the Curtis Corp., from Long Beach, Calif., on or about March 18, 1920, and transported from the State of California into the State of Tennessee, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Curtis Brand California Tuna White Meat \* \* \* Packed By The Curtis Corporation Long Beach, Cal."

Adulteration of the article was alleged in the libel for the reason that fish other than white meat tuna, to wit, blue fin tuna, Bonita, and striped tuna, had been mixed and packed with and substituted in part for white meat tuna.

Misbranding was alleged for the reason that the statement, "California Tuna White Meat," was false and misleading and deceived and misled the purchaser. During August, 1922, the Curtis Corp., of Long Beach and Los Angeles, Calif., having theretofore filed an answer denying the material allegations of the libel, and the Piggly Wiggly Stores, Inc., Memphis, Tenn., having appeared as claimant for the property and having admitted that it was improperly labeled, an order of the court was entered sustaining the libel and directing that the product be released to the said claimant upon the execution of a bond in the sum of \$1,500, conditioned in part that the labels be altered so that the words "White Meat Only" be stamped out.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11461. Misbranding of vegetable oil. U. S. v. 3 Cases, et al., of Vegetable Oil. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 15084. I. S. Nos. 6687-t, 6688-t, 6689-t. S. No. E-3393.)

On June 24, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 cases containing gallon cans, 4 cases containing quart cans, and 3 cases containing half-gallon cans of vegetable oil, remaining unsold in the original unbroken packages at Bridgeport, Conn., consigned by Abraham Gash & Co., New York, N. Y., on or about May 31, 1921, alleging that the article had been shipped into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Net Contents 1 Gal." (or " $\frac{1}{2}$  Gal." or "1 Quart") "Extra Fine Quality Oil Selma Brand \* \* \* High grade Vegetable oil Flavored with Pure Olive Oil A Compound."

Misbranding of the article was alleged in substance in the libel for the reason that the labels on the cans containing the said article bore the following statements, "Net Contents 1 Gal." " $\frac{1}{2}$  Gal.," or "1 Quart," as the case might be, which said statements were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 26, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11462. Adulteration of peanut butter U. S. v. 862 Jars of Peanut Butter. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15318. I. S. Nos. 8357-t, 8358-t, 8359-t, 8360-t. S. No. E-3543.)

On or about August 13, 1921, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 862 jars of peanut butter at Charleston, W. Va., alleging that the article had been shipped by the Old Dominion Peanut Corp., Norfolk, Va., on or about May 25, 1921, and transported from the State of Virginia into the State of West Virginia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Jar) "Betteryet Old Dominion Peanut Corporation Delicious \* \* \* Healthful \* \* \* Peanut Butter."

Adulteration of the article was alleged in the libel for the reason that mineral oil had been mixed and packed with and substituted wholly or in part for the said article.

On April 27, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11463. Adulteration and misbranding of oysters. U. S. v. 70 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 16697. I. S. No. 10051-v. S. No. C-3748.)

On August 8, 1922, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the



seizure and condemnation of 70 cases of oysters at Little Rock, Ark., alleging that the article had been shipped by the Hilton Head Packing Co., Savannah, Ga., on or about March 27, 1922, and transported from the State of Georgia into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "American Ace Brand \* \* \* Oysters Net Contents 5 Oz. Oyster Meat \* \* \* Packed by Hilton Head Packing Co. Savannah, Ga."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and had been substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the statement on the label, "Net Contents 5 Oz. Oyster Meat," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 1, 1923, the Hilton Head Packing Co., Savannah, Ga., claimant, having consented to the entry of a decree, judgment of condemnation was entered and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bond, conditioned in part that the product be rebranded as follows: "Slack Filled: A package of this size should contain 5 ounces Oyster Meat. Actual cut-out weight in this can 3.5 ounces."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11464. Adulteration of canned cherries. U. S. v. 1,498 Cases of Cherries. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16800. I. S. No. 3766-v. S. No. C-3797.)**

On or about September 5, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,498 cases of canned cherries, remaining unsold in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by the Grand Traverse Packing Co., from Traverse City, Mich., August 8, 1922, and transported from the State of Michigan into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy, decomposed, and putrid vegetable substance.

On May 1, 1923, the Grand Traverse Packing Co., Traverse City, Mich., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be sorted under the supervision of this department, the bad portion destroyed and the good portion delivered to the said claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11465. Adulteration and misbranding of corn salad oil flavored with olive oil. U. S. v. Michael Montagnino and Ignatius Scaduto (Montagnino & Scaduto). Plea of guilty. Fine, \$200. (F. & D. No. 16965. I. S. No. 15569-t.)**

On February 23, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Michael Montagnino and Ignatius Scaduto, copartners, trading as Montagnino & Scaduto, New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about January 20, 1922, from the State of New York into the State of Connecticut, of a quantity of corn salad oil flavored with olive oil which was adulterated and misbranded. The article was labeled in part: (Cans) "San'tAntonio Brand \* \* \* Corn Salad Oil Flavored Slightly With Pure Olive Oil A Compound Montagnino & Scaduto, - New York Superior Quality Net Contents One Gallon."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of corn oil, cottonseed oil, and some other

oil. Examination by said bureau showed that the average contents of 10 cans was 0.98 gallon.

Adulteration of the article was alleged in the information for the reason that certain substances, to wit, cottonseed oil and oil other than corn salad oil or olive oil, had been substituted in part for corn salad oil flavored with olive oil, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Corn Salad Oil Flavored Slightly With Pure Olive Oil" and "Net Contents One Gallon," borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was corn salad oil slightly flavored with pure olive oil and that each of the said cans contained 1 gallon net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was corn salad oil flavored with pure olive oil and that each of the said cans contained 1 gallon net of the article, whereas, in truth and in fact, it was not corn salad oil flavored slightly with pure olive oil but was a product composed in whole or in part of cottonseed oil and oil other than corn salad oil or olive oil, and each of said cans did not contain 1 gallon net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 11, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$200.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11466. Misbranding of Plough's Prescription C-2223. U. S. v. 22 Bottles and 27 Bottles of Plough's Prescription C-2223. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17352. I. S. No. 6852-v S. No. C-3925.)**

On March 10, 1923, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 22 bottles, large size, and 27 bottles, small size, of Plough's Prescription C-2223, remaining unsold in the original and unbroken bottles at St. Louis, Mo., alleging that the article had been shipped by the Plough Chemical Co., Memphis, Tenn., on or about February 10, 1923, and transported from the State of Tennessee into the State of Missouri, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "A Blood Purifier Recommended For Treatment of Rheumatism \* \* \*. In severe cases, take \* \* \* until relieved;" (carton, large size) "Rheumatism \* \* \*. Sciatica, Lumbago, Lame Back, Uric and Lactic Acid Conditions Blood Disorders Eczema, Chronic Sores and similar affections arising from bad blood," (small size) "Blood Purifier Recommended for disorders caused by impure blood as Eczema, Chronic Sores and constitutional blood diseases. Rheumatism \* \* \*. Sciatica, Lumbago, Lame Back, Uric and Lactic Acid Conditions;" (circular) "A Reliable Blood Purifier A Treatment for Rheumatism \* \* \*. Sciatica, Lumbago, Lame Back. Blood Disorders Eczema, Chronic Sores and Similar Diseases Caused by Bad Blood. \* \* \*. In the treatment of Scrofula, Rheumatism, certain Catarrhal Conditions, Hereditary Blood Taints, Diseases of the Bones, Ulcerous Sores, Prescription C-2223 has been recommended and used for many years. Helpless, unhappy persons who had given up all hope of relief, have found in this Blood Purifier a means of relief. Men, women and even children, whose energy has been sapped and their life almost wrecked, who were troubled with festering sores or tortured with rheumatic pains, have been relieved from the grip of these diseases, after the continued use of or treatment with Prescription C-2223. \* \* \* for any trouble due to poisoned or tainted blood, get you a bottle of Prescription C-2223. \* \* \* 'In \* \* \* conditions' due to tainted blood, it acts as a specific.' \* \* \* 'the most valuable remedy known in the treatment of rheumatism; it eases the pain, diminishes the fever—results are almost certain in acute \* \* \* cases.' \* \* \* Prescription C-2223 has relieved \* \* \* many thousands, suffering from Rheumatism \* \* \* Lumbago, Sciatica, diseases due to tainted or impure blood, evidenced by chronic Sores, Scrofula, Eczema and other similar conditions of the skin."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodid, extracts of plant drugs including colchicum, glycerin, alcohol, and water.



Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said article were false and fraudulent since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 16, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11467. Adulteration of canned salmon. U. S. v. 200 Cases of Salmon. Default decree of condemnation and forfeiture. Product delivered to fish hatcheries for fish food. (F. & D. No. 17355. I. S. No. 8344-v. S. No. W-1327.)**

On March 10, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 cases of salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Marathon Fishing & Packing Co., from Cape Fanshaw, Alaska, arriving at Seattle, Wash., November 10, 1922, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Loyal Brand \* \* \* Salmon Net Contents One Pound Loyal Brand Pink Salmon Packed In Alaska By Marathon Fishing & Packing Co. Seattle, Wash. U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On March 31, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the State Fisheries Department to be used as fish food.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11468. Adulteration of walnut meats. U. S. v. 8 Cases of Walnut Meats. Decree entered ordering release of good portion and destruction of bad portion. (F. & D. No. 17257. I. S. No. 8329-v. S. No. W-1307.)**

On February 8, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 cases of walnut meats, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by the Sanitary Nut Shelling Co., Los Angeles, Calif., January 14, 1923, and transported from the State of California into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Dark Amber 50 Lbs. Net R 22 Order Of Sanitary Nut Shelling Co., L. A. Cal."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed vegetable substance.

On March 1, 1923, the Imperial Candy Co., Seattle, Wash., having entered an appearance as claimant for the property and the product having been released to the claimant under bond to be reconditioned, and it appearing that but 51½ pounds of the article were bad, it was ordered by the court that the said 51½ pounds of the article be destroyed by the United States marshal and the remainder released to the said claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11469. Adulteration of green olives in brine. U. S. v. 109 Barrels of Italian Green Olives in Brine. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17380. I. S. No. 324-v. S. No. E-4329.)**

On March 19, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 109 barrels of Italian green olives in brine, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped from a foreign country into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 16, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11470. Misbranding of meat scraps. U. S. v. Wilson & Co., a Corporation. Plea of guilty. Fine, \$150.** (F. & D. No. 13233. I. S. Nos. 24640-r, 24645-r, 24647-r.)

On December 13, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Wilson & Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, in various consignments, namely, on or about December 5, 1919, January 4 and 9, 1920, respectively, from the State of Illinois into the State of Indiana, of quantities of meat scraps which were misbranded. The article was labeled in part: "Red W Brand Meat Scraps for Poultry Guaranteed Analysis Protein 50% \* \* \* Manufactured by W Wilson & Co. U. S. A."

Analyses by the Bureau of Chemistry of this department of samples taken from the three consignments of the article showed that the said samples contained 38.93, 38.80, and 40.63 per cent, respectively, of protein.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Guaranteed Analysis Protein 50%," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article contained not less than 50 per cent of protein, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 50 per cent of protein, whereas, in truth and in fact, it did not contain 50 per cent of protein, but each of the various consignments did contain a less amount of protein, namely, approximately 40.63, 38.80, and 38.93 per cent, respectively, of protein.

On May 4, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$150.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11471. Misbranding and alleged adulteration of vinegar. U. S. v. 41 Cases and 87 Cases of Vinegar. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 14112, 14134. I. S. Nos. 5242-t, 5245-t. S. Nos. E-3013, E-3030.)

On December 23, 1920, and January 4, 1921, respectively, the United States attorney for the District of Rhode Island, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 128 cases of vinegar, remaining unsold in the original unbroken packages, in part at Providence and in part at Pawtucket, R. I., consigned by the Naas Cider & Vinegar Co., Cohocton, N. Y., alleging that the article had been shipped from Cohocton, N. Y., in part September 28 and in part October 26, 1920, and transported from the State of New York into the State of Rhode Island, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Steuben Brand \* \* \* Reduced \* \* \* Vinegar \* \* \* Made From Apples \* \* \* Net Contents One Pint \* \* \* Naas Cider & Vinegar Co., Inc. Cohocton, N. Y."

Adulteration of the article was alleged in the libels for the reason that distilled vinegar had been mixed and packed with and substituted wholly or in part for cider vinegar. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding of the article was alleged in substance for the reason that the statements, to wit, "Steuben Brand Reduced To 4 % Acetic Acid Reduced Cider Vinegar Fermented Made From Apples," together with a pictorial representation of a red apple, borne on the labels of the bottles containing a portion of the said article, and the statements, to wit, "Steuben Brand \* \* \* Reduced Cider Vinegar Fermented Made From Apples," borne on the labels of



the bottles containing the remainder of the said article, regarding the article and the ingredients contained therein, were false and misleading and deceived and misled the purchaser by representing the said article to be made from apples when it was not. Misbranding was alleged for the further reason that the statement on the bottle labels, "Net Contents One Pint," was false and misleading and deceived and misled the purchaser into the belief that each of the said bottles contained 1 pint of cider vinegar when it did not, being short in volume. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding was alleged with respect to a portion of the article for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, cider vinegar.

On May 15, 1923, no claimant having appeared for the property, judgment of the court was entered finding the product to be misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11472. Misbranding of DuBois Pefic pills. U. S. v. 12 Dozen Packages and 10 Dozen Packages of DuBois Pefic Pills. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 14687, 14688. I. S. Nos. 10652-t, 10653-t. S. Nos. W-900, W-901.)

On March 29, 1921, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 22 dozen packages of DuBois Pefic pills, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by W. J. Baumgartner, Detroit, Mich., in part January 22 and in part February 23, 1921, and transported from the State of Michigan into the State of Oregon, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Circular) "DuBois Pills \* \* \* Reliable Female Tonic and Regulator. \* \* \* a female tonic and regulator of menstrual disturbances and for relieving general female disorders. Needless pain and suffering may be prevented by the use of DuBois Pills which are purely vegetable. \* \* \* a female tonic exerting helpful medicinal action over the female organs. \* \* \* of utmost value in assisting in the relieving of pains, due to leucorrhea, etc., and regulating the menses. \* \* \* suppressed menstruation, painful menstruation \* \* \*. For leucorrhea \* \* \*. In cases of menstrual disturbances the course of treatment may be commenced at any time when the indications suggest that the menstrual period is delayed due to taking cold or exposure. \* \* \* When the period is irregular \* \* \*."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained aloes and iron sulphate, with a coating of sugar and calcium carbonate.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the circulars enclosed in the packages containing the article, regarding the curative and therapeutic effects of the said article, were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On April 4, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11473. Misbranding of Pep-Tonic. U. S. v. 9 Bottles, et al., of Pep-Tonic. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 15424, 15713 to 15720, incl., 15964, 15965. I. S. Nos. 2016-t, 2017-t, 2018-t, 2021-t, 2022-t, 2023-t, 2024-t, 2025-t, 2030-t, 2031-t, 3916-t. S. Nos. C-3270, C-3355, C-3420.)

On November 14 and December 15, 1921, and February 9, 1922, respectively, the United States attorney for the District of Kansas, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 87 bottles of Pep-Tonic, in various lots at Richmond, Lyndon, Concordia, Manhattan, Belvue, Blaine, Westmoreland, St. Marys, Riley, Leonardville, and Skiddy, Kans.,

respectively, alleging that the article had been shipped by the Puritan Products Co., from Clinton, Ill., between the dates of October 6, 1920, and September 22, 1921, and transported from the State of Illinois into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article involved in all the consignments was labeled in part: (Bottle) "A Medicine For The Prevention Of Cholera, Also Stomach And Intestinal Worms In Swine \* \* \* We will refund your money if Pep-Tonic fails to prevent cholera, also stomach or intestinal worms in swine, when used strictly as per directions on bottle \* \* \* Use Pep-Tonic The First Two Weeks \* \* \* To Remove The Worms \* \* \*. If the hogs have worms they will begin to come out by the end of the first week, but keep up the treatment for another week, then give as directed for prevention \* \* \*. After you have given Pep-Tonic for two weeks, as above stated, give it three times each week, as a \* \* \* prevention;" (carton) "A medicine For Prevention Of Cholera Also For Prevention And Expulsion Of Stomach And Intestinal Worms In Swine. \* \* \* We will refund your money if Pep-Tonic fails to prevent cholera; also stomach or intestinal worms in swine, when used strictly as per directions; \* \* \* Hog Cholera \* \* \*. Get rid of the worms. Pep-Tonic will do it, and will keep your hogs so healthy \* \* \*. It is a worm and cholera medicine. It prevents the big losses caused by cholera and worms \* \* \*. Pep-Tonic will kill and expel stomach and intestinal worms in swine \* \* \*. You don't have to feed wormy hogs, Pep-Tonic will rid your hogs of them. Its use will keep hogs of any size, age, sex or condition in perfect health. Pep-Tonic does the work every time. No question about it and no question about results." A portion of the article was accompanied by a circular which contained in part the following: "Pep-Tonic As A Cure And Prevention Of Hog Cholera And As An Expeller And Prevention Of Stomach And Intestinal Worms In Swine \* \* \*. Why grow \* \* \* wormy \* \* \* hogs when it can be avoided. \* \* \* Use the Guaranteed Medicine, indorsed by hundreds of successful growers of swine—the Medicine that has been tried, tested and found true. \* \* \* Pep-Tonic will kill and remove intestinal worms in swine within one week \* \* \*. It is used to prevent Cholera and for the expulsion and prevention of stomach and intestinal worms \* \* \*. Pep-Tonic \* \* \* keeps them well \* \* \*. Feeding a sick or wormy hog means a loss you can avoid. Keep your hogs healthy. Peptonic will do it \* \* \*. Peptonic Kills And Removes Stomach And Intestinal Worms You don't have to feed wormy hogs. This wonderful medicine will rid your hogs of worms. It is a proven fact \* \* \*. This medicine does the work where other so-called remedies fail. Peptonic \* \* \* is a worm and cholera medicine. Its use will keep hogs of any size, aged, sex or condition free from worms and healthy. It prevents the big losses caused by cholera and worms \* \* \*. There is no guess work about it and no question about results. Use this medicine and you will rid your hogs of worms." A second portion of the article was accompanied by a circular which contained among others the following statements: "Feeding a hog that is wormy Means A Loss You Can Avoid. Keep your hogs healthy—Peptonic will do it \* \* \* No Worms When You Butcher When you butcher, if you have used Peptonic the right way, you will find \* \* \* the intestines \* \* \* free from worms."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted of approximately 76 per cent of salt, 7 per cent of potassium permanganate, 9 per cent of potassium bichromate, and a small quantity of starch, in tablet form.

Misbranding of the article was alleged in substance in the labels for the reason that the above-quoted statements regarding its therapeutic or curative effects, appearing on the labels of the bottles and cartons containing the said article and in the accompanying circulars, were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently to purchasers and to create in the minds of purchasers the impression and belief that it was in whole or in part composed of or contained ingredients capable of producing the therapeutic effects claimed in the said statements, when, in truth and in fact, it contained no ingredients or combination of ingredients capable of producing such effects.

On December 28, 1921, and March 15 and June 14, 1922, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*



**11474. Adulteration of canned salmon. U. S. v. 15 Cases of Salmon. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15944. I. S. Nos. 3365-t, 3366-t. S. No. C-3410.)

On February 5, 1922, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 cases of salmon, remaining unsold in the original unbroken packages at New Orleans, La., alleging that the article had been shipped by the Seaboard Co., from Seattle, Wash., on or about November 16, 1921, and transported from the State of Washington into the State of Louisiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Kay-Square Brand \* \* \* Select Pink Salmon \* \* \* Kenai Packing Co. Seattle, Wash."

Adulteration of the article was alleged in substance in the libel for the reason that it was composed in whole or in part of a filthy, decomposed, or putrid animal substance.

On March 20, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11475. Adulteration and misbranding of corn oil. U. S. v. 3 Cases of Corn Oil. Default decree of condemnation, forfeiture, and destruction or sale.** (F. & D. No. 16339. I. S. Nos. 15560-t, 15572-t. S. No. E-3877.)

On May 24, 1922, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 cases of corn oil, remaining unsold in the original unbroken packages at Stamford, Conn., alleging that the article had been shipped by the Salvati Olive Oil Co., New York, N. Y., on or about March 4, 1922, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Marzo Brand Pure Corn Oil \* \* \* Prodotto Speciale Usabile Egualmente Come Olio D'Olive Net Contents 1 Gallon."

Adulteration of the article was alleged in the libel for the reason that oil other than olive oil, which the article purported to be, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding of the article was alleged in substance for the reason that the labels upon the cases containing the said article bore the following statements, "Olio D'Olive \* \* \* Net Contents 1 Gallon," which statements, together with the use of the Italian language, were false and misleading and deceived and misled the purchaser. Misbranding was alleged in substance for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, for the further reason that it purported to be a foreign product when, in truth and in fact, it was a product of domestic manufacture, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On September 18, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal or sold if a sale could be speedily effected.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11476. Adulteration of tangerines. U. S. v. 390 Boxes of Tangerines. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17313. I. S. No. 4130-v. S. No. C-3889.)

On February 9, 1923, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 390 boxes of tangerines at Chicago, Ill., alleging that the article had been shipped by Hinds-Fuchs-Nierman, from Florence Villa, Fla., January 27, 1923, and transported from the State of Florida into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act. The article was labeled variously as follows: "Cat Brand;" "Gondola Brand;" and "Yankee Boy Brand."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a decomposed vegetable substance.

On February 9, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11477. Adulteration of oranges. U. S. v. 40 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17392. I. S. No. 1366-v. S. No. E-4335.)**

On March 22, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 40 boxes of oranges, remaining in the original unbroken packages at Baltimore, Md., consigned February 28, 1923, alleging that the article had been shipped by R. W. Burch, from Wauchula, Fla., and transported from the State of Florida into the State of Maryland, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "R. W. Burch Puritan Oranges Plant City, Fla."

Adulteration of the article was alleged in the libel for the reason that an inedible substance, to wit, tree dried oranges, had been substituted in whole or in part for an edible product, oranges. Adulteration was alleged for the further reason that the article consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 3, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11478. Misbranding and alleged adulteration of flour. U. S. v. 410 Sacks of Flour. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17405. I. S. No. 7921-v. S. No. W-1364.)**

On March 26, 1923, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 410 sacks of flour, remaining in the original unbroken packages at Los Angeles, Calif., consigned by the Garland Milling Co., Garland, Utah, alleging that the article had been shipped from Garland, Utah, on or about March 3, 1923, and transported from the State of Utah into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Garland Roller Mills Choicest Hard Wheat Pride of Utah 98 Lbs. Garland Milling Co. Garland, Utah."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality, and for the further reason that bleached flour containing excessive moisture had been substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the statements, "Choicest Hard Wheat \* \* \* 98 Lbs.," were false and misleading and deceived and misled the purchaser since the product was not flour unqualified but was bleached flour, and the sacks contained less than 98 pounds of the article. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package since the quantity stated was not correct.

On April 13, 1923, the Garland Milling Co., Garland, Utah, having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was entered, the court finding the product to be misbranded, and it was ordered that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,000, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to the department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*



**11479. Adulteration and misbranding of assorted jellies. U. S. v. 29 Cases and 25 Cases of Assorted Jellies. Consent decrees of condemnation and forfeiture. Products released under bond.** (F. & D. Nos. 17448, 17449. I. S. Nos. 8249-v, 8250-v, 8701-v, 8702-v, 8742-v, 8743-v, 8744-v, 8745-v. S. Nos. W-1363, W-1366.)

On April 7, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 54 cases of assorted jellies, remaining unsold in the original unbroken packages, in part at Trinidad and in part at Denver, Colo., consigned by Libby, McNeill & Libby, in various consignments, namely, from Chicago and Blue Island, Ill., and Gibson Transfer, Ind., respectively, alleging that the articles had been shipped in part on or about July 24, and in part on or about November 1, 1922, and transported from the States of Indiana and Illinois, respectively, into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Libby's \* \* \* Apple Jelly" (or "Apple-Strawberry Jelly" or "Apple-Currant Jelly" or "Apple-Raspberry Jelly") "\* \* \* Packed & Guaranteed By Libby, McNeill & Libby Main Office Chicago."

Adulteration of the articles was alleged in substance in the libels for the reason that pectin had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength, and for the further reason that acidified pectin jellies had been substituted wholly or in part for the fruit jellies, which the said products purported to be.

Misbranding of the articles was alleged for the reason that the statements, "Apple Jelly," "Apple-Strawberry Jelly," "Apple-Currant Jelly," and "Apple-Raspberry Jelly," appearing on the labels of the respective jars of the said jellies, were false and misleading and deceived and misled the purchaser thereof. Misbranding was alleged for the further reason that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On May 11, 1923, Libby, McNeill & Libby, Chicago, Ill., claimant, having admitted the allegations of the libels and consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of bonds in the aggregate sum of \$375, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11480. Misbranding of Kuhn's rheumatic remedy. U. S. v. 15 Dozen Bottles of Kuhn's Rheumatic Remedy. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 14612, 14613. I. S. Nos. 10489-t, 10490-t. S. Nos. W-865, W-866.)

On March 9, 1921, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 dozen bottles of Kuhn's rheumatic remedy, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Kuhn Remedy Co., Chicago, Ill., in part January 7 and in part January 11, 1921, and transported from the State of Illinois into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of iodine, potassium iodide, plant extractives, sugar, aromatics, alcohol, and water.

Misbranding of the article was alleged in the libel for the reason that it was labeled in part on the bottle and carton as follows, "Rheumatic Remedy \* \* \* Rheumatism, Neuralgia, Lumbago, Sciatica or Gout," which statements on the said bottle and carton were false and fraudulent in that the article contained no ingredients or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11481. Misbranding of DuBois Pacific pills. U. S. v. 148 Packages of DuBois Pacific Pills. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 14659, 14660. I. S. Nos. 10493-t, 10494-t. S. Nos. W-889, W-890.)

On March 18, 1922, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 148 packages of DuBois Pacific [Pecific] pills, alleging that the article had been shipped from Detroit, Mich., in part by the Parke, Davis Co., on December 3, 1920, and in part by W. J. Baumgartner, on December 17, 1920, and transported from the State of Michigan into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills contained aloes and iron sulphate, with a coating of sugar and calcium carbonate.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the circular enclosed in the box containing the article, "DuBois Pills \* \* \* Reliable Female Tonic and Regulator. \* \* \* a female tonic and regulator of menstrual disturbances and for relieving general female disorders. Needless pain and suffering may be prevented by the use of DuBois Pills \* \* \* a female tonic exerting helpful medicinal action over the female organs. \* \* \* of utmost value in assisting in the relieving of pains, due to leucorrhea, etc., and regulating the menses. \* \* \* suppressed menstruation, painful menstruation \* \* \*. For leucorrhea \* \* \*. In cases of menstrual disturbances the course of treatment may be commenced at any time when the indications suggest that the menstrual period is delayed due to taking cold or exposure. \* \* \* When the period is irregular," were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed. Misbranding was alleged for the further reason that the statement appearing in the said circular, "DuBois Pills which are purely vegetable," was false and misleading.

On May 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11482. Adulteration of coal-tar color. U. S. v. 2 Pounds, et al., of Coal-Tar Color. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 14709, 14710, 14711. I. S. Nos. 6586-t, 6587-t, 6589-t. S. Nos. E-3209, E-3210, E-3211.)

On April 12, 1921, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 4 pounds of coal-tar color, in part at Schenectady and in part at Amsterdam, N. Y., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., in part March 7 and in part March 10, 1921, and transported from the State of Missouri into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "W. B. Wood Mfg. Co. \* \* \* St. Louis, Mo. Warranted Complies With All Requirements \* \* \* Number 112 \* \* \* Red."

Adulteration of the article was alleged in the libels for the reason that sodium chlorid and sodium sulphate had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it contained an added poisonous and deleterious ingredient, to wit, arsenic, which might render it injurious to health.

On September 30, 1921, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11483. Adulteration of egg yolk. U. S. v. 318 Cases of Egg Yolk. Decree entered releasing good portion upon payment of costs and permitting bad portion to be admitted under bond for industrial purposes.** (F. & D. No. 15896. S. No. E-3751.)

On January 5, 1922, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the



District Court of the United States for said district a libel praying the seizure and condemnation of 318 cases of egg yolk, remaining unsold in the original unbroken packages at Staten Island, N. Y., alleging that the article had been shipped by Olivier & Cie, from Hankow, China, on or about November 1, 1920, and transported in foreign commerce, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 29, 1922, Olivier & Co., having appeared as claimant for the property, and it having appeared from examination that a portion of the product was fit for human food, it was ordered by the court that the portion designated by this department as fit for human consumption be released to the said claimant for sale or importation upon payment of the costs of the proceedings, and that the portion designated by this department as unfit for food be destroyed or exported, or that it might be imported upon the execution of a bond in the sum of \$2,500, in conformity with section 10 of the act, conditioned that it be used for industrial purposes.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11484. Adulteration of shell eggs. U. S. v. George W. Reaves and Henry W. Reaves (Sentinel Poultry & Egg Co.). Pleas of guilty. Fine, \$100 and costs. (F. & D. No. 16399. I. S. No. 18207-t.)**

On July 17, 1922, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George W. Reaves and Henry W. Reaves, trading as Sentinel Poultry & Egg Co., Sentinel, Okla., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 23, 1921, from the State of Oklahoma into the State of Texas, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Sentinel Poultry & Egg Co. Sentinel, Oklahoma."

Examination by the Bureau of Chemistry of this department of the 1,080 eggs in the consignment showed that 426, or 39.4 per cent of the total, were inedible eggs, consisting of mixed rots, spot rots, heavy blood rings, blood rots, and chick rots.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed animal substance.

On March 23, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11485. Adulteration and misbranding of butter. U. S. v. 84 Tubs of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16805. I. S. Nos. 1615-v, 1616-v, 1617-v, 1618-v, 1619-v, 1620-v, 1622-v. S. No. E-4168.)**

On September 11, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel of information praying the seizure and condemnation of 84 tubs of butter, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Bridgeman-Russell Co., Duluth, Minn., on or about August 17, 1922, and transported from the State of Minnesota into the State of Massachusetts, and charging adulteration and misbranding in violation of the Food and Drugs Act.

Adulteration was alleged in the libel of information with respect to 72 tubs of the article for the reason that a substance, to wit, excessive moisture, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted in part for butter, which the said article purported to be. Adulteration was alleged with respect to the entire 84 tubs of the article for the reason that a valuable constituent, to wit, butterfat, had been in part abstracted therefrom.

Misbranding was alleged with respect to the entire 84 tubs of the article for the reason that it was an imitation of and offered for sale under the distinctive name of another article, to wit, butter.

On December 7, 1922, the Bridgeman-Russell Co., Duluth, Minn., having entered an appearance as claimant for the property and having filed a satisfactory bond in conformity with section 10 of the act, judgment of condemnation

was entered, and it was ordered by the court that the product might be released to said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11486. Adulteration and misbranding of jellies. U. S. v. Shenandoah Valley Apple Cider & Vinegar Co., a Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 16850. I. S. Nos. 17036-t, 17037-t, 17038-t, 17039-t.)**

On December 21, 1922, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Shenandoah Valley Apple Cider & Vinegar Co., a corporation, Winchester, Va., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 16, 1922, from the State of Virginia into the State of West Virginia, of quantities of jellies which were adulterated and misbranded. The articles were labeled in part: (Glasses) "Apple Pie Ridge 40 Miles of Apple Trees Apple And Strawberry" (or "Apple And Cherry" or "Apple And Blackberry" or "Apple And Raspberry") "Jelly Pure Cane Sugar \* \* \* Apple Pectin. Shenandoah Valley Apple Cider & Vinegar Co. Winchester, Va."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that they consisted of jellies made from sugar and pectin.

Adulteration of the articles was alleged in the information for the reason that a certain substance, to wit, sugar pectin jelly, had been mixed and packed therewith so as to lower and reduce and injuriously affect their quality and strength and had been substituted in part for apple and strawberry jelly, apple and cherry jelly, apple and blackberry jelly, or apple and raspberry jelly, as the case might be, which the said articles purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Apple And Strawberry," "Apple And Cherry," "Apple And Blackberry," and "Apple And Raspberry," borne on the labels attached to the glasses containing the respective articles, regarding the said articles and the ingredients and substances contained therein, were false and misleading in that they represented that the articles were composed wholly of apple and strawberry jelly, apple and cherry jelly, apple and blackberry jelly, or apple and raspberry jelly, as the case might be, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser into the belief that they were composed wholly of apple and strawberry jelly, apple and cherry jelly, apple and blackberry jelly, or apple and raspberry jelly, as the case might be, whereas, in truth and in fact, they were not composed wholly of said ingredients but were composed in part of sugar pectin jellies. Misbranding was alleged for the further reason that the articles were mixtures composed in part of sugar pectin jellies, prepared in imitation of and offered for sale and sold under the distinctive names of other articles, to wit, apple and strawberry jelly, apple and cherry jelly, apple and blackberry jelly, or apple and raspberry jelly, as the case might be.

On April 24, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11487. Adulteration of shell eggs. U. S. v. 420 Cases of Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16876. I. S. No. 3939-v. S. No. C-3807.)**

On or about September 20, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 420 cases of eggs, remaining in the original unbroken packages at Chicago, Ill., alleging that the article had been shipped by Peter Fox Sons Co., from Rollo, Mo., September 5, 1922, and transported from the State of Missouri into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On September 25, 1922, the Peter Fox Sons Co., Chicago, Ill., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon



payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be candled under the supervision of this department, the bad portion destroyed and the good portion delivered to the claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11488. Adulteration of sauerkraut. U. S. v. 15 Cases of Sauerkraut. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17308. I. S. No. 1689-v. S. No. E-4316.)

On February 26, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 cases of sauerkraut, remaining in the original unbroken packages at Lowell, Mass., alleging that the article had been shipped by the W. H. Killian Co., Baltimore, Md., on or about December 11, 1922, and transported from the State of Maryland into the State of Massachusetts, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Killian's Quality \* \* \* Sauer Kraut Contents 1 Lb. 13 Oz. \* \* \* Packed By W. H. Killian Co. Baltimore, U. S. A."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive brine, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for the said article.

On May 31, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11489. Adulteration of oranges. U. S. v. 43 Boxes of Oranges. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17390. I. S. Nos. 2646-v, 2647-v. S. No. E-4332.)

On March 19, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 43 boxes of oranges, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the American Fruit Growers, Inc., from New Smyrna, Fla., alleging that the article had been shipped from New Smyrna, Fla., March 9, 1923, and transported from the State of Florida into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Tiger Head Brand \* \* \* Halifax River—Citrus Fruit Munroe & Stevens Daytona, Florida, U. S. A."

Adulteration of the article was alleged in the libel for the reason that an inedible or dried product had been substituted wholly or in part for an edible or juicy product.

On March 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11490. Misbranding of Texas Wonder. U. S. v. 144 Bottles of Texas Wonder. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 12902. I. S. No. 9564-r. S. No. C-1968.)

On June 23, 1920, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 144 bottles of Texas Wonder, remaining in the original packages at Fort Worth, Tex., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., during the month of June, 1920, and transported from the State of Missouri into the State of Texas, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Carton) "A Remedy For Kidney and Bladder Troubles Weak and Lame backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children;" (circular headed "Read Carefully") "In cases of Gravel and Rheumatic troubles it should be taken every night in 25-drop doses until relieved."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, guaiac resin, extracts of rhubarb and colchicum, an oil similar to turpentine oil, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the statements appearing on the cartons and bottles containing the said article were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the therapeutic effects claimed on the said cartons and bottles, namely, the treatment and cure of kidney and bladder troubles, weak and lame backs, rheumatism, gravel, bladder trouble in children, stone in the kidneys, or similar diseases.

On February 12, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11491. Misbranding of Hall's catarrh medicine. U. S. v. 26½ Dozen Bottles, et al., of Hall's Catarrh Medicine. Default decree of condemnation, forfeiture, and destruction.** (F. & D. Nos. 13987, 13988, 13989. I. S. Nos. 10481-t, 10482-t, 10483-t. S. Nos. W-804, W-805, W-806.)

On or about December 7, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel, and on December 10, 1920, an amended libel, praying the seizure and condemnation of 65½ dozen bottles of Hall's catarrh medicine, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Cheney Medicine Co., from Toledo, Ohio, in four consignments, namely, June 10, August 10, September 27, and October 5, 1920, respectively, and transported from the State of Ohio into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodid, bitter plant extractives, cardamom, sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled in part on the bottle label and carton and in the booklet enclosed in the carton, as follows, (bottle) "Hall's Catarrh Medicine \* \* \* valuable in the treatment of Catarrh," (booklet) "Hall's Catarrh Medicine For Catarrh of the Nasal Cavity \* \* \* Ear, Throat, Stomach, Bowels or Bladder. \* \* \* As a Blood Purifier \* \* \* Catarrh \* \* \* nose, throat, ear passages, stomach, bowels, bladder, uterus, vagina, rectum, etc. \* \* \* Catarrh of the Head. \* \* \* small cavities, called antrums and sinuses \* \* \*. This form of catarrh \* \* \* should be conquered at all costs. \* \* \* Sense of Smell. \* \* \* When the sense of smell has been destroyed by catarrh, Hall's Catarrh Medicine \* \* \* assists in restoring normal conditions. \* \* \* Deafness \* \* \* sometimes requires long treatment \* \* \* it makes no difference with Hall's Catarrh Medicine where the disease is (head, stomach, bowels, bladder), it is all the same \* \* \*. My wife had been afflicted with Catarrh for over ten years. \* \* \* she was confined to her bed from the effects of it. \* \* \* the second bottle \* \* \* gave her some relief, but she continued taking the medicine until almost nine bottles had been taken. She declares that she has not felt a single symptom of the painful and loathsome disease for over five months. The cure is certainly a permanent one. \* \* \* a doctor \* \* \* treated me for my lungs. I had a bad cough and expectorated very freely. He said my lungs were very badly affected \* \* \*. I took one bottle and received so much benefit that I continued using it ever since \* \* \* I was terribly afflicted with Catarrh of the Stomach. \* \* \* I took from 22 to 27 bottles and it completely cured me. \* \* \* Hall's Catarrh Medicine cured me of a bad case of Catarrh of over four years' standing. \* \* \* every symptom has entirely disappeared and I am satisfied that the cure will be as permanent as it is complete. \* \* \* I am absolutely free from Catarrh and have been since using eleven bottles as above. My catarrh trouble was of years standing and one of the worst cases possible. \* \* \* I have had Catarrh for several years and last spring I took a violent headache. It was never easy, day or night, unless I was under the influence of opiates. I commenced in August to take Hall's Catarrh Medicine and before I had taken half a bottle my headache was gone and has not yet returned. I \* \* \* recommend it to everybody. \* \* \* I had been a severe sufferer from Catarrh for ten years \* \* \*. I took seven bottles of Hall's Catarrh Medicine and am now completely cured. \* \* \* your medicine completely cured me of Catarrh \* \* \*. I had catarrh and cold in the head which would come back every fall in the form



of hay fever. \* \* \* Hall's Catarrh Medicine \* \* \* has completely restored me, and have not had a return of the trouble since. \* \* \* have never found a case where it has not given perfect satisfaction. \* \* \* it is the only medicine in which I could find a cure. Also it is the only medicine that purifies my blood. \* \* \* I have been taking Hall's Catarrh Medicine for four months and received great relief from it. My hearing is better and my general health improved \* \* \* I thought I had throat trouble, but the doctors said I had catarrh. \* \* \* Before I took sick, I weighed 225 pounds. I had fallen off to 120 pounds. \* \* \* began taking your medicine and now I weigh 155 pounds. \* \* \* I had been down for two years and had four different doctors. \* \* \* They said it was my liver, kidneys, stomach, etc. My food would not digest and I ran off at the bowels all the time. \* \* \* I sent and bought twelve bottles \* \* \* and am entirely well. \* \* \* my sister \* \* \* had been suffering for several years \* \* \* in a very virulent form, and after using six bottles found herself entirely relieved. \* \* \* My son had been troubled for some years with catarrh. \* \* \* decided to give Hall's Catarrh Medicine a trial. Two bottles were sufficient to satisfy me it was no ordinary medicine \* \* \* ten bottles effected what I believe to be a permanent cure. \* \* \* Until a few [two] years ago I had catarrh in the most aggravated form. \* \* \* was finally pronounced incurable by a specialist at Hot Springs. \* \* \* took 12 bottles and am now sound and well \* \* \* I have suffered from that miserable disease called catarrh. \* \* \* I had faithfully used all the well known remedies \* \* \* Hall's Catarrh Medicine \* \* \* I made up my mind to give it a trial. \* \* \* I experienced complete relief \* \* \* the second bottle will completely eradicate the disease. \* \* \* Hall's Catarrh Medicine \* \* \* cured me of a bad case of catarrh. \* \* \* I was troubled with ringing in my ears. \* \* \* my head would become dizzy, my ears ring so fearfully and my stomach become sick. \* \* \* it has cured me of the sick stomach, the dizziness and the ringing of the ears \* \* \* I was a victim of the obnoxious disease, catarrh of the head. My case was certainly a bad one. I was so reduced in flesh that my friends scarcely recognized me. It also affected my breast and throat. My sense of smell was totally gone. \* \* \* I became so feeble that I did not know whether I would live until spring. \* \* \* have been greatly benefited and know it will effect a permanent cure. \* \* \* I had a bad case of Catarrh in the Head, and I took twenty bottles of Hall's Catarrh Medicine and it fixed me all right. \* \* \* I have been afflicted with this dreadful disease for the past twelve years. I have used three bottles of Hall's Catarrh Medicine which has had a marvelous effect. My hearing has been fully restored \* \* \*. I feel sure that by continued use of the medicine I will make the cure a permanent one. \* \* \* I have suffered from catarrh for about five years \* \* \* I commenced to use Hall's Catarrh Medicine last February. I must say that it is a success; the dropping in my throat disappeared entirely after the first bottle. It increased my appetite \* \* \*. I have recommended it to others, and all who used it have been greatly relieved \* \* \*. After trying several specialists for catarrh of the head or stomach and getting but little relief, I decided to give Hall's Catarrh Medicine a fair trial. \* \* \* it has done more for me than all other remedies combined. \* \* \* I have been a sufferer from catarrh of the head for nearly six years, and until three months ago I could not breathe through my nose at all \* \* \*. I took one bottle of your remedy and before it was half taken, I had a terrible discharge at the nose also a hacking cough, but got relief from the first bottle. I now have taken twenty-seven bottles and I feel the best I have ever felt \* \* \*. It has cured my catarrh \* \* \* my wife \* \* \* had suffered everything for years with catarrh and was run down to nothing. She started taking Hall's Catarrh Medicine and after she had taken a dozen bottles had gained twelve pounds. \* \* \* I have been a user of Hall's Catarrh Medicine to the amount of forty-five bottles, and knowing what a splendid cure and tonic it is, still having full confidence in an ultimate cure of a very severe case of 'perennial catarrh,' cast aside by all the best physicians of my native city, I have concluded that twelve bottles more will cause an entire cure. \* \* \* I have a little boy who had catarrh just as bad as anybody could have it \* \* \* your medicine \* \* \* cured him. \* \* \* I had been a great sufferer for one year \* \* \* I began to use Hall's Catarrh Medicine and in one week's time \* \* \* was greatly benefited. I used it constantly for two years, and really feel that my old trouble is completely cured and I am positive that any person suffering with catarrh in any form can be

cured by the use of this preparation. \* \* \* it saved my life \* \* \* my wife was attacked with stomach trouble. \* \* \* after taking twenty-four bottles she was restored to health within fifteen months. \* \* \* I have been using your catarrh remedy for a short time and find it to be the best I have ever seen," which said statements appearing on the said bottle, carton, and booklet were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11492. Adulteration and misbranding of olive oil. U. S. v. 25 Cans of Alleged Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15223. I. S. No. 5082-t. S. No. E-3465.)**

On or about July 22, 1921, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cans,  $\frac{1}{4}$ -gallon size, of alleged olive oil, alleging that the article had been shipped by the Italy Commercial Co., New York, N. Y., on or about May 12, 1921, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Qualita Superiore \* \* \* Olio \* \* \* Puro Garantito Sotto Qualsiasi Analisi Chimica \* \* \*  $\frac{1}{4}$  Gallon Net."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding of the article was alleged in substance for the reason that the labels on the cans containing the said article bore the following statements, designs, and devices, "Qualita Superiore \* \* \* Olio \* \* \* Puro Garantito Sotto Qualsiasi Analisi Chimica," together with a foreign design and the use of a foreign language, which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, olive oil, and for the further reason that it purported to be a foreign product when, in truth and in fact, it was a product of domestic manufacture packed in the United States.

On September 30, 1921, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal or sold if such sale could be speedily effected.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11493. Adulteration of beans with pork. U. S. v. Edward Musen and Max Rosen (Union Market Grocery Co.). Pleas of guilty. Fine, \$150. (F. & D. No. 16222. I. S. No. 1240-t.)**

On October 7, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edward Musen and Max Rosen, copartners, trading as the Union Market Grocery Co., St. Louis, Mo., alleging shipment by said defendants, under the name of Diehm Grocer Co., in violation of the Food and Drugs Act, on or about August 23, 1921, from the State of Illinois into the State of Missouri, of a quantity of beans with pork which were adulterated. The article was labeled in part: "Altex Brand Pinto Beans with Pork \* \* \* Packed By Adam Bros. & Sellers Co. Houston, Texas, U. S. A."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the cans examined were rusty and that they were swells. All showed evidence of gas when opened. The product was fermented, had a bad odor, and the inside of the cans was badly corroded.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal or vegetable substance.



On November 29, 1922, defendant Max Rosen entered a plea of guilty to the information, and the court imposed a fine of \$75. On May 8, 1923, defendant Edward Musen entered a plea of guilty to the information and the court imposed a fine of \$75.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11494. Adulteration of chloroform. U. S. v. 24,200 Cans, et al., of Chloroform.** Default decree of condemnation, forfeiture, and destruction with respect to a portion of the product. Consent decrees of condemnation and forfeiture with respect to remainder, and product released for nonmedicinal purposes. (F. & D. Nos. 16427, 16441, 16442, 16578, 16580. S. Nos. E-3958, E-3970, E-3971, E-4022, E-4024.)

On June 20, June 21, July 6, and July 7, 1922, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 37,053 cans of chloroform at New York, N. Y., alleging that the article had been shipped from Philadelphia, Pa., between the dates of December 16, 1921, and April 13, 1922, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform for Anaesthesia."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the chloroform in one shipment was turbid, contained impurities decomposable by sulphuric acid and chlorinated decomposition products, and upon evaporation it left a foreign odor; that in another shipment it was turbid, contained chlorid, impurities decomposable by sulphuric acid, odorous decomposition products, and chlorinated decomposition products, and upon evaporation it left a foreign odor; that in another shipment it was turbid, contained hydrochloric acid, free chlorin, impurities decomposable by sulphuric acid, and chlorinated decomposition products, and upon evaporation it left a foreign odor; and that in the remaining shipments it was turbid, contained hydrochloric acid, impurities decomposable by sulphuric acid, and chlorinated decomposition products, and upon evaporation it left a foreign odor.

Adulteration of the article was alleged in the libels for the reason that it was sold under and by a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation.

On January 5, 1923, no claimant having appeared for 436 cans of the product, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said 436 cans of the article be destroyed by the United States marshal. On September 12, November 22, and December 4, 1922, respectively, judgments providing for the condemnation and forfeiture of the remainder of the product were entered by consent of the respective claimants, and it was ordered by the court that the product be released, on condition that it be not used for medicinal purposes, upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11495. Adulteration and misbranding of vinegar. U. S. v. 70 Barrels of Vinegar.** Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 16887, 16888, 16889, 16890. I. S. No. 6530-v. S. No. C-2926.)

On October 23, 1922, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 70 barrels of vinegar, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Powell Corp., Canandaigua, N. Y., on or about September 11, 1922, and transported from the State of New York into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made From Apples Reduced To 4% \* \* \* Man'd By The Powell Corp Canandaigua, N. Y."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement, "Pure Cider Vinegar Made From Apples," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On April 18, 1923, the Powell Corp., Canandaigua, N. Y., claimant, having admitted the material allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11496. Adulteration and misbranding of chocolate and cocoa. U. S. v. 96 Pounds, et al., of Chocolate and 102 Pounds of Cocoa. Consent decrees of condemnation and forfeiture. Products ordered delivered to charitable institutions.** (F. & D. Nos. 17108, 17117. I. S. Nos. 3044-v, 3045-v, 3047-v. S. Nos. E-4254, E-4263.)

On January 8, 1923, the United States attorney for the Eastern District of North Carolina, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 192 pounds of chocolate and 102 pounds of cocoa, remaining in the original unbroken packages in part at Morehead City, N. C., and in part at Wilmington, N. C., consigned by William H. Baker, Inc., New York, N. Y., alleging that the articles had been shipped from New York, N. Y., in part on or about October 26 and in part on or about October 27, 1922, and transported from the State of New York into the State of North Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part, respectively: "Justice Brand Premium No. 1 Chocolate \* \* \* William H. Baker (Syracuse), Incorporated 79-85 Wall St. N. Y. City;" "Justice Brand Cocoa William H. Baker Syracuse, Inc. New York City."

Adulteration of the articles was alleged in the libels for the reason that excessive cocoa shells had been mixed and packed with and substituted wholly or in part for the said articles.

Misbranding of the articles was alleged in substance for the reason that the statements, to wit, "Premium No. 1 Chocolate" and "Cocoa," appearing on the respective labels, were false and misleading and deceived and misled the purchasers in that the said products contained an excessive amount of cocoa shells.

On April 6, 1923, William H. Baker, Inc., having entered an appearance and filed answer to the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be disposed of to charitable institutions.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11497. Adulteration of canned salmon. U. S. v. 100 Cases of Canned Salmon. Default decree of condemnation and forfeiture. Product delivered to fish hatcheries for fish food.** (F. & D. No. 17181. I. S. No. 3318-v. S. No. W-1285.)

On January 17, 1923, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of canned salmon, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by J. E. Shields, Seldovia, Alaska, June 25, 1921, and transported from the Territory of Alaska into the State of Washington, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "4 Doz. Kenai Brand Alaska Sockeye Salmon."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a decomposed and putrid animal substance.

On March 13, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to the State Fisheries Department to be used for fish food.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11498. Adulteration of canned apricot pulp. U. S. v. 51 Cans of Apricot Pulp. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17206. I. S. No. 6646-v. S. No. C-3875.)

On January 27, 1923, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure



and condemnation of 51 cans of apricot pulp, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by Manuel Caragol & Sons, New York, N. Y., on or about December 29, 1922, and transported from the State of New York into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Marca Registrada Apricot Pulp Product of Spain Lopez Hermanos Malaga Spain Net Weight 10 Lbs. Importe P. D. Espagne."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in large part of a filthy, decomposed, and putrid vegetable substance.

On March 27, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11499. Misbranding of cottonseed oil. U. S. v. 25 Cases of Cottonseed Oil. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17436. I. S. No. 1567-v. S. No. E-4340.)**

On March 29, 1923, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of cottonseed oil, remaining unsold in the original unbroken containers at Providence, R. I., alleging that the article had been shipped by the Cooknut Corp., from Baltimore, Md., on or about February 17, 1923, and transported from the State of Maryland into the State of Rhode Island, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "Salol Choice Winter Pressed Cotton Seed Oil \* \* \* The Cooknut Corporation Baltimore, Md. U. S. A.;" (case) "10/1 Gallon Cans."

Examination of the article by the Bureau of Chemistry of this department showed that the cans contained less than 1 gallon of the said article.

Misbranding of the article was alleged in the libel for the reason that the case label bore a statement regarding the said article or the ingredients and substances contained therein, to wit, "10/1 Gallon Cans," which was false and misleading and deceived and misled the purchaser in that the said cans contained less than 1 gallon of the said article. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 15, 1923, the Cooknut Corp., Baltimore, Md., having entered an appearance as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11500. Adulteration and misbranding of gelatin and Rico marshmallow powder. U. S. v. W. K. Jahn Co., a Corporation. Plea of guilty. Fine, \$500. (F. & D. No. 9361. I. S. Nos. 2134-m, 4892-m, 8812-m, 11400-m, 11999-m, 12175-m, 12235-m, 12236-m, 12701-m, 12703-m, 21388-m, 28856-k, 8802-p, 8803-p, 8805-p, 8901-p, 9409-p, 16009-p, 16713-p.)**

On December 31, 1919, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the W. K. Jahn Co., a corporation, Chicago, Ill., alleging shipment by said company, in violation of the Food and Drugs Act, between the dates of December 29, 1916, and July 3, 1917, from the State of Illinois, in various consignments, namely, into the States of Pennsylvania, Ohio, Missouri, Maryland, Nebraska, California, Oregon, and Georgia, respectively, of quantities of gelatin, a portion of which was adulterated and the remainder of which was adulterated and misbranded, and on or about December 20, 1916, from the State of Illinois into the State of Washington, of a quantity of Rico marshmallow powder which was adulterated and misbranded. A portion of the said gelatin was labeled in part, "Gelatine;" the remainder was invoiced as gelatin. The Rico marshmallow powder was labeled in part: "Rico Guaranteed Pure White \* \* \* Made Of Absolutely Pure Albumen \* \* \* Absolutely Pure Guaranteed to Pass All Pure Food Laws throughout the

United States. Manufactured And Guaranteed By The W. K. Jahn Co.  
\* \* \* New York \* \* \* Chicago."

Analyses of samples of the so-called gelatin by the Bureau of Chemistry of this department showed that the greater portion of the article consisted in whole or in large part of glue and contained excessive quantities of zinc or zinc and formaldehyde or copper and zinc or arsenic, copper, and zinc, as the case might be. Analysis of the remainder of the so-called gelatin by said bureau showed that it was gelatin containing zinc or copper and zinc or arsenic, copper, and zinc, as the case might be. Analysis of the Rico marshmallow powder by said bureau showed that it consisted of sugar and egg albumen with a small amount of gelatin present and contained an excessive amount of zinc.

Adulteration was alleged with respect to the greater portion of the so-called gelatin for the reason that a substance, to wit, glue, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for gelatin, which the said article purported to be. Adulteration was alleged with respect to all of the so-called gelatin for the reason that a portion thereof contained an added poisonous and deleterious ingredient, to wit, zinc, and respective portions of the remainder contained added poisonous and deleterious ingredients, to wit, zinc and formaldehyde or copper and zinc or arsenic, copper, and zinc, as the case might be, which rendered the said article injurious to health.

Misbranding was alleged with respect to the greater portion of the so-called gelatin for the reason that the statement, to wit, "Gelatine," borne on the barrels containing the said portion of the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article consisted wholly of gelatin, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted exclusively of gelatin, whereas, in fact and in truth, it did not so consist but the said portion of the article consisted in part of glue and contained added poisonous and deleterious substances, to wit, zinc or zinc and formaldehyde or copper and zinc or arsenic, copper, and zinc, as the case might be. Misbranding was alleged with respect to the greater portion of the said gelatin for the reason that it was sold under the distinctive name of another article, to wit, gelatin.

Adulteration of the said Rico marshmallow powder was alleged in the information for the reason that it contained an added poisonous and deleterious ingredient, to wit, zinc, which rendered the said article injurious to health.

Misbranding of the said Rico marshmallow powder was alleged for the reason that the statements, to wit, "Made Of Absolutely Pure Albumen," "Absolutely Pure," and "Guaranteed to Pass All Pure Food Laws throughout the United States," borne on the labels attached to the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was made of absolutely pure albumen, was absolutely pure, and that it conformed to all the pure food laws of the United States, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was made of absolutely pure albumen, was absolutely pure, and that it conformed to all the pure food laws of the United States, whereas, in truth and in fact, it was not made of absolutely pure albumen and was not absolutely pure, but was a product made from powdered gelatin and sugar and did contain an added poisonous and deleterious substance, to wit, zinc, and it did not conform to all the pure food laws of the United States.

On June 8, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$500.

HOWARD M. GORE, *Acting Secretary of Agriculture.*



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# United States Department of Agriculture.

## SERVICE AND REGULATORY ANNOUNCEMENTS.

### BUREAU OF CHEMISTRY.

### SUPPLEMENT.

N. J. 11501-11550.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., October 9, 1923.]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**11501. Misbranding of Texas Wonder. U. S. v. 2 Dozen Bottles of Hall's Texas Wonder. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 12868. S. No. E-2357.)**

On June 9, 1920, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 dozen bottles of Hall's Texas Wonder, remaining in the original unbroken packages at Rome, Ga., alleging that the article had been shipped by E. W. Hall, St. Louis, Mo., on or about May 5, 1920, and transported from the State of Missouri into the State of Georgia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Hall's Texas Wonder \* \* \* A Remedy For Kidney and Bladder Troubles Weak and Lame Backs, Rheumatism and Gravel. Regulates Bladder Trouble in Children."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of copaiba, gualiac resin, extracts of rhubarb and colchicum, an oil similar to turpentine oil, alcohol, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements regarding the therapeutic, curative, and preventive effects of the article, appearing on the cartons containing the same, were false and fraudulent in that the said statements were applied to the article so as to represent falsely and fraudulently to the purchaser thereof and to create in the mind of such purchaser the impression and belief that it was effective as a remedy, cure, and preventive of kidney and bladder troubles, weak and lame backs, rheumatism, gravel, and to regulate bladder trouble in children, whereas, in truth and in fact, it contained no ingredient or combination of ingredients capable of producing such effects.

On November 19, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11502. Misbranding of Oculum oil. U. S. v. 11 Bottles and 5 Bottles of Oculum Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14639. I. S. No. 8704-t. S. No. E-3186.)**

On or about May 6, 1921, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11 bottles, 50-cent size, and 5 bottles,

\$1 size, of Oculum oil, at Coaldale, W. Va., alleging that the article had been shipped by the H. I. Co., Inc., Salem, Va., January 25, 1921, and transported from the State of Virginia into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Destroys Disease Germs In Animals Remedy And Preventive For Hog Cholera \* \* \* When Animal Is Sick \* \* \* Treble the dose;" (circular) "To relieve sick animals \* \* \* Sick hogs, sick sheep and other animals, have been quickly relieved by 'Oculum' Oil. \* \* \* Sick Hogs and Sick Sheep have been Quickly Relieved by its Magic Power; Sick Horses and Sick Cattle have been made well again by its use. \* \* \* It kills germs \* \* \* in the organs of animals. \* \* \* 'Oculum Oil' keeps hogs healthy \* \* \* During the Spring of 1915 I lost 34 out of 45 shoats with what our County Demonstrator pronounced Cholera. In May I got 'Oculum Oil' and treated two that were real sick with it; I inoculated them twice; they got well within one week. I then fed all the surviving 11 'Oculum Oil' in the slop, and they have never been sick a day since. In June they rooted up one of the dead hogs and had eaten it partly up, when I discovered them. I fed them more 'Oculum Oil,' and not one got sick \* \* \* it will cure any case of pneumonia in hogs when taken in reasonable time. \* \* \* had a sick hog and gave 'Oculum Oil' with good results. \* \* \* hogs \* \* \* cholera developed. We have saved three out of five by use of 'Oculum Oil.' \* \* \* had some hogs to get sick; one died before he got 'Oculum Oil' from me; he saved the others."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of turpentine oil with a small quantity of amber oil and an orange-colored dye.

Misbranding of the article was alleged in the libel for the reason that the above-quoted statements regarding the curative and therapeutic effect of the said article were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On April 27, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11503. Adulteration of tomato catsup. U. S. v. 19 Cases of Catsup. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14703. I. S. No. 8707-t. S. No. E-3212.)**

On April 21, 1921, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 19 cases of catsup, at Montgomery, W. Va., alleging that the article had been shipped by the J. T. Polk Co., of Chicago, Ill., from Mound City, Ill., January 27, 1921, and transported from the State of Illinois into the State of West Virginia, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Polk's \* \* \* Best" (design of whole red tomatoes) "Catsup J. T. Polk Company \* \* \* Chicago."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy decomposed vegetable substance.

On April 27, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11504. Adulteration and misbranding of chocolate. U. S. v. 30 Boxes of Chocolate. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15519. I. S. Nos. 15435-t, 15436-t. S. No. E-3621.)**

On November 5, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 30 boxes of chocolate, remaining unsold in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by the J. & A. Baker Chocolate Co., Inc., New York, N. Y., on or about September 29, 1921, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs



Act, as amended. The article was labeled in part: "J. & A. Baker Chocolate Co. Inc. Sweet Chocolate Contains Fat Free Milk Net Weight Two Ozs. \* \* \* New York;" "Sweet Chocolate Contains Fat Free Milk J. & A. Baker Chocolate Co. Inc. New York Net Weight Seven Ounces."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, a milk-free chocolate containing excessive shells, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted wholly or in part for sweet chocolate containing fat-free milk, which the said article purported to be. Adulteration was alleged for the further reason that a milk-free chocolate containing excessive shells had been mixed with the said article in a manner whereby damage or inferiority was concealed.

Misbranding of the article was alleged for the reason that the statements, to wit, "Sweet Chocolate Contains Fat Free Milk," borne on the labels of the said article, and the statement, "Net Weight Seven Ounces," borne on the labels of a portion of the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article consisted of sweet chocolate containing an appreciable amount of fat-free milk, and that each of the bars contained in the said portion of the article contained 7 ounces net of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted of sweet chocolate containing an appreciable amount of fat-free milk, and that each of the bars contained in the said portion of the article contained 7 ounces thereof, whereas, in truth and in fact, it did not consist of sweet chocolate containing an appreciable amount of fat-free milk, but did consist of a substance, to wit, a milk-free chocolate containing excessive shells, and each of the bars in the said portion of the article contained less than 7 ounces. Misbranding was alleged for the further reason that the article was a product containing excessive shells and no milk solids, and was an imitation of and was offered for sale under the distinctive name of another article, to wit, sweet chocolate containing fat-free milk, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 11, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11505. Adulteration and misbranding of flavoring extracts. U. S. v. 49 Bottles of Raspberry Flavoring Extract, et al. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15957. I. S. Nos. 155296t, 15530-t, 15531-t, 15532-t. S. No. E-3756.)

On February 1, 1922, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 49 bottles of raspberry flavoring extract, 76 bottles of strawberry flavoring extract, 39 bottles of orange flavoring extract, and 40 bottles of lemon flavoring extract, remaining unsold at Newark, N. J., alleging that the articles had been shipped by the Leading Perfumers & Chemists, Inc., New York, N. Y., in part September 6 and in part December 3, 1921, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "2 Fluid Ounces Raspberry" (or "Strawberry," "Orange," or "Lemon") "For Ice Cream Custard, Cake, Sauces. Strength, Combined with Delicacy of Flavor Makes this Extract Unexcelled Leading Perfumers & Chemists, Inc. New York." Thirty-four bottles of the lemon flavoring extract bore the word "Imitation" very indistinctly marked on the labels.

Adulteration of the articles was alleged in the libel for the reason that artificially colored imitation extracts had been mixed and packed therewith so as to lower and reduce and injuriously affect their quality and strength and had been substituted wholly or in part for the said articles. Adulteration was alleged for the further reason that the articles were colored in a manner whereby damage or inferiority was concealed.

Misbranding of the articles was alleged for the reason that the statements on the respective labels, "Raspberry," "Strawberry," "Orange," or "Lemon," as the case might be, and "this extract Unexcelled," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the fur-

ther reason that the articles were imitations of and offered for sale under the distinctive names of other articles.

On June 11, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11506. Adulteration of shell eggs. U. S. v. 5 Cases of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15970. I. S. No. 6950-t. S. No. E-3755.)**

On January 20, 1922, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 5 cases of shell eggs, remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by Joseph Silberman, New York, N. Y., in part on or about January 3 and in part on or about January 11, 1922, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid animal product.

On June 11, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11507 (supplement to N. J. 11314). Alleged misbranding of olive oil. U. S. v. 30 Half-Gallon Cans of Olive Oil. Decree entered vacating decree of condemnation and forfeiture. (F. & D. No. 16085. I. S. No. 13913-t. S. No. W-1066.)**

On April 30, 1923, a decree of the court was entered vacating the decree of condemnation and forfeiture entered through inadvertance and error on January 26, 1923, in the above-cited proceeding, and the case is now pending upon intervention of the claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11508. Adulteration and misbranding of fruit emulsions. U. S. v. 3 1-Gallon Cans Containing, Respectively, Cherry, Raspberry, and Strawberry Emulsions, So-Called. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16199. S. No. E-3899.)**

On June 16, 1922, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 1-gallon cans containing, respectively, cherry, raspberry, and strawberry emulsions, alleging that the articles had been shipped by the Caro Flavoring Co., Washington, D. C., or about April 17, 1922, and transported from the District of Columbia into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part, respectively: "Caro Flavoring Co. H. & H. Brand One Gallon Cherry Emulsion We guarantee the flavor of this Emulsion consists of 95% true fruit concentration & 5% artificial flavoring and fruit acid. \* \* \* Factory 1530 Seventh St., N. W., Washington, D. C. Shake Well. Artificially Colored;" "Caro Flavoring Co. H. & H. Brand One Gallon Raspberry" (or "Strawberry") "Emulsion \* \* \* Part pure & part artificial coloring & fruit acid. \* \* \* Artificially Colored."

Adulteration of the articles was alleged in substance in the libel for the reason that a substance, to wit, an imitation fruit emulsion consisting chiefly of citric acid, gum, and glycerin, strongly colored with coal-tar dyes and flavored with synthetic esters, having practically no suggestion of the flavor of the fruit named on the respective can labels, had been mixed and packed therewith so as to reduce and lower and injuriously affect their quality and strength and had been substituted wholly or in part for cherry, raspberry, and strawberry fruit emulsions, respectively, which the said articles purported to be. Adulteration was alleged for the further reason that the articles were mixed, colored, and stained with citric acid, gum, glycerin, coal-tar dyes, and synthetic esters in a manner whereby damage and inferiority were concealed.



Misbranding of the articles was alleged in substance for the reason that the statements, to wit, "Cherry Emulsion We guarantee the flavor of this Emulsion consists of 95% true fruit concentration & 5% artificial flavoring & fruit acid," "Raspberry Emulsion \* \* \* Part pure & part artificial coloring & fruit acid," and "Strawberry Emulsion \* \* \* Part pure & part artificial coloring & fruit acid," appearing on the respective labels of the said articles, regarding the articles, were false and misleading in that the said statements represented that the so-called cherry emulsion was an emulsion composed of cherry fruit and the juice of cherries and that 95 per cent of the flavoring consisted of true fruit concentration, that the so-called raspberry emulsion was an emulsion composed of raspberry fruit and the juice of raspberries and containing part pure and part artificial coloring and fruit acid, and that the so-called strawberry emulsion was an emulsion composed chiefly of strawberry fruit and the juice of strawberries and containing part pure and part artificial coloring and fruit acid, and for the further reason that the articles were labeled as aforesaid so as to deceive and mislead the purchaser thereof into the belief that the so-called cherry emulsion was composed chiefly of cherry fruit and the juice of cherries with a guaranteed flavor consisting of 95 per cent of fruit concentration, that the so-called raspberry emulsion was composed chiefly of raspberry fruit and natural coloring and acid of raspberry fruit, and that the so-called strawberry emulsion was composed chiefly of strawberry fruit and natural coloring and acid of strawberry fruit, whereas, in truth and in fact, the said articles were not cherry, raspberry, and strawberry emulsions composed chiefly of cherry, raspberry, and strawberry fruit and juice, as the case might be, the flavor of the so-called cherry emulsion did not consist of 95 per cent of true fruit concentration, and the so-called raspberry and strawberry emulsions contained little, if any, true coloring and acids of said fruits, but the said cherry emulsion was a sirupy liquid consisting principally of citric acid, gum, and glycerin, colored intensely red with coal-tar dye and having a rank odor and flavor which in no wise simulated cherry, and it contained little, if any, true fruit or juice of cherries, the so-called raspberry emulsion was a liquid containing chiefly citric acid, glycerin, and gum, colored intensely red with coal-tar dye, with a strong odor suggesting synthetic esters, and practically all the color was due to coal-tar dye, and the so-called strawberry emulsion was a liquid containing chiefly citric acid and glycerin, colored intensely red with coal-tar dye and leaving a prevailing odor like synthetic esters which in no way resembles the aroma of strawberries, and practically all the color was due to coal-tar dye. Misbranding was alleged for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles, to wit, cherry emulsion, raspberry emulsion, and strawberry emulsion, respectively.

On June 11, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11509. Adulteration and misbranding of vinegar. U. S. v. 18 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 17000. I. S. No. 11032-v. S. No. C-2942.)**

On December 1, 1922, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 18 barrels of vinegar, at Athens, Ohio, consigned by the Powell Corp., Canandaigua, N. Y., on or about September 18, 1922, alleging that the article had been shipped from Canandaigua, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made From Apples Reduced To 4% \* \* \* Man'd By The Powell Corp."

Adulteration of the article was alleged in the libel for the reason that distilled and evaporated apple products vinegar had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the statement, "Pure Cider Vinegar Made From Apples," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further

reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On April 4, 1923, the Powell Corp., Canandaigua, N. Y., claimant, having admitted the allegations in the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11510. Adulteration and misbranding of coal-tar color. U. S. v. 1 Can of Coal-Tar Color. Default decree ordering destruction of product. (F. & D. No. 14834. I. S. No. 11804-t. S. No. E-3340.)**

On April 28, 1921, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 can of coal-tar color, remaining in the original unbroken packages at Baltimore, Md., consigned March 29, 1921, alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., and transported from the State of Missouri into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "1 Lb. Net \* \* \* Complies With All Requirements Quality Color \* \* \* Number 112 Contents Red."

Adulteration of the article was alleged in the libel for the reason that a substance containing about equal parts of nonpermitted dye and inorganic salts had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statements appearing on the label, "Complies With All Requirements Quality Color \* \* \* Contents Red," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On June 8, 1923, no claimant having appeared for the property, judgment of the court was entered ordering that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11511. Adulteration and misbranding of salad oil. U. S. v. 42 Cans of Alleged Salad Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15046. I. S. Nos. 6959-t, 6960-t. S. No. E-3382.)**

On June 17, 1921, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 42 cans of alleged salad oil, remaining in the original unbroken packages at Pittston, Pa., alleging that the article had been shipped by the Youngstown Macaroni Co., Youngstown, Ohio, on or about May 21, 1921, and transported from the State of Ohio into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Tripoli Italiana Brand Oil Winterpressed Cottonseed Flavored With Pure Olive Oil Salad Oil A Compound 1 Quart, 1 Pint and 11 Fl. Oz. Net" (or "3 Quarts, 1 Pint and 6 Fl. Oz. Net") "Guaranteed By The Youngstown Macaroni Co. Youngstown, O. Under The Pure Food And Drugs Act, June 30, 1906. Serial No. 5179."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby its inferiority was concealed.

Misbranding was alleged for the reason that the statements on the labels of the cans containing the article, "Tripoli Italiana Brand Oil \* \* \* Guaranteed \* \* \* Under The Pure Food And Drugs Act, June 30 1906. Serial No. 5179," together with an Italian design, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article purported to be a foreign product when not so,



for the further reason that it was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of each package.

On July 8, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the labels on the cans containing the article be obliterated and the product sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11512. Misbranding of olive oil. U. S. v. 6 Cans and 60 Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15238. I. S. Nos. 6247-t, 6248-t. S. No. E-3480.)**

On July 23, 1921, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 cans, of approximately one gallon each, and 60 cans, of approximately one quart each, of olive oil, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by Virgona & Co., New York, N. Y., on or about May 14, 1921, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Aroma Brand Olio D'Oliiva Extrafino \* \* \* Sole Distributors Virgona & Co. New York First Pressing Cream Olive Oil One Gallon" (or "One Quart") "Full Measure Guaranteed."

Misbranding of the article was alleged in substance in the libel for the reason that the statements, to wit, "One Gallon" and "One Quart," appearing on the respective-sized cans containing the article, were false and misleading and deceived and misled the purchaser, since the said cans did not contain 1 gallon or 1 quart, as the case might be, but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, in that the statements, "One Gallon" and "One Quart," respectively, were not correct.

On August 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the statements in the labelings, "One Gallon" and "One Quart," respectively, be obliterated and the product sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11513. Misbranding of Aspirinal. U. S. v. 55 Dozen Bottles, et al., of Aspirinal. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15693, 15694, 15695. S. No. E-3665.)**

On December 5, 1921, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 67½ dozen bottles of Aspirinal, remaining unsold in the original unbroken packages at Buffalo, N. Y., consigned by the Aspirinal Laboratories from Atlanta, Ga., alleging that the article had been shipped from Atlanta, Ga., in three consignments, namely, on or about January 7, January 10, and September 27, 1921, respectively, and transported from the State of Georgia into the State of New York, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained sodium salicylate, camphor, menthol, extracts of plant drugs, including cascara sagrada and belladonna, a small quantity of sugar, alcohol, and water.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements appearing on the labels of the bottles containing the said article, to wit, "Aspirinal \* \* \* Colds, Coughs, Influenza, LaGrippe \* \* \* Headache, Toothache, Earache, Stomach-Ache, Neuralgia, Sciatica \* \* \* Rheumatism," were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effect claimed.

On January 3, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11514. Adulteration and misbranding of chocolate cigars. U. S. v. 49 Boxes of Chocolate Cigars. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15923. I. S. No. 8127-t. S. No. E-3734.)**

On January 17, 1922, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 49 boxes of chocolate cigars, remaining in the original unbroken packages at Wilkes-Barre, Pa., alleging that the article had been shipped by the National Chocolate Co., from Hoboken, N. J., on or about December 1, 1921, and transported from the State of New Jersey into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "1 Cent Each 120 Pieces Chocolate Cigars National Cocoa Chocolate Co."

Adulteration of the article was alleged in the libel for the reason that an excessive amount of cocoa shells and foreign fat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article, to wit, chocolate cigars.

Misbranding of the article was alleged for the reason that the statement, "Chocolate Cigars National Cocoa Chocolate Co.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, chocolate.

On August 16, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11515. Misbranding of Montague's petroleum emulsion with hypophosphites. U. S. v. 25 Bottles of Montague's Petroleum Emulsion with Hypophosphites. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16140. S. No. E-3853.)**

On April 25, 1922, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 bottles of Montague's petroleum emulsion with hypophosphites, at Mullens, W. Va., alleging that the article had been shipped by the J. Kyle Montague Medicine Co., Inc., from Rocky Mount, Va., October 11, 1920, and transported from the State of Virginia into the State of West Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of an emulsion of petroleum oil, alcohol, water, gum, sodium and calcium hypophosphites, and a trace of an iron compound.

Misbranding of the article was alleged in substance in the libel for the reason that it was labeled in part as follows, to wit, (wrapper) "For Colds, Coughs, Bronchitis, Sore Lungs, Loss Of Weight, Loss Of Appetite, Loss Of Strength, Tuberculosis Of The Lungs \* \* \* For Weak, Nervous And Overworked People. \* \* \* Is Recommended For Loss Of Flesh And Appetite, And For General Run-Down System. \* \* \* In Tuberculosis of the Lungs (consumption) Montague's Emulsion is one of the best remedies. It is far superior to cod liver oil \* \* \* enables the patient to eat, digest and assimilate food. It causes an increase in flesh and strength," (bottle) "Many physicians recommend it in preference to Emulsion of Cod Liver Oil \* \* \* specially recommended in the treatment of Coughs, Colds, Bronchitis and Weak Lungs, and run-down, nervous people will find it a great help in building up their nerve tissues and general health," which statements were false for the reason that the said labeling represented the article to be effective as a remedy for and as recommended in the treatment of colds, coughs, bronchitis, sore lungs and tuberculosis of the lungs, and weak lungs, and that it was especially recommended as a great help for building up nerve tissues and the general health of run-down, nervous people, and as recommended by many physicians in preference to emulsion of cod-liver oil, whereas the said article contained no ingredient or combination of ingredients capable of producing said therapeutic effects.



On April 27, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11516. Adulteration of frozen eggs. U. S. v. James T. Oder (Hastings Poultry Co.). Plea of guilty. Fine, \$5.** (F. & D. No. 16419. I. S. No. 887-t.)

On September 19, 1922, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James T. Oder, trading as the Hastings Poultry Co., Hastings, Nebr., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about September 24, 1921, from the State of Nebraska into the State of Illinois, of a quantity of frozen eggs which were adulterated. The article was billed as "Eggs Juice."

Examination of four cans of the article by the Bureau of Chemistry of this department showed that the product had a sharp odor suggestive of moldy nuts, indicating decomposition, and that one of the cans was very moldy.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On March 12, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$5.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11517. Adulteration and misbranding of vinegar. U. S. v. 4 Barrels and 9 Barrels of Vinegar. Consent decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 16912, 16913. I. S. No. 1711-v. S. No. E-4213.)

On November 9, 1922, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 13 barrels of vinegar, remaining unsold in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped by the Powell Corp., from Canandaigua, N. Y., on or about September 5, 1922, and transported from the State of New York into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made From Apples Reduced To 4% \* \* \* The Powell Corp Canandaigua, N. Y."

Adulteration of the article was alleged in the libels for the reason that distilled vinegar and evaporated apple products vinegar had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the labels on the barrels containing the said article bore the following statements, designs, and devices, "Pure Cider Vinegar Made From Apples," which were false and misleading and deceived and misled the purchaser in that the said statements, designs, and devices were and were intended to be of such a character as to induce the purchaser to believe that the said article was cider vinegar, when, in truth and in fact, it was not. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, cider vinegar.

On May 23, 1923, the Powell Corp., Canandaigua, N. Y., having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11518. Adulteration and misbranding of assorted jellies. U. S. v. 161 Cases and 56 Cases of Assorted Jellies. Decree of condemnation and forfeiture. Products released under bond.** (F. & D. No. 17307. I. S. Nos. 8238-v, 8239-v, 8240-v, 8241-v. S. No. W-1321.)

On March 5, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and con-

demnation of 217 cases of assorted jellies, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Sanitary Food Mfg. Co., from Minnesota Transfer, Minn., alleging that the articles had been shipped on or about April 4, 1922, and transported from the State of Minnesota into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: (Jars and cans) "Golden Moon \* \* \* Apple-Raspberry" (or "Apple-Grape," "Apple-Strawberry," or "Apple-Currant,") "Jelly Apple Juice 28% Raspberry" (or "Grape," "Strawberry," or "Currant") "Juice 12% Sugar 60% Sanitary Food Mfg. Co. St. Paul, Minn."

Adulteration of the articles was alleged in the libel for the reason that products composed of pectin, sugar, and tartaric acid, containing little or no fruit juices, had been mixed and packed with and substituted wholly or in part for the respective articles. Adulteration of the apple-grape jelly was alleged for the further reason that it was artificially colored in a manner whereby damage and inferiority were concealed.

Misbranding of the articles was alleged for the reason that the statements, "Apple-Raspberry," "Apple-Grape," "Apple-Strawberry," and "Apple-Currant," appearing on the respective containers of the said jellies, were false and misleading and deceived and misled the purchaser thereof. Misbranding was alleged for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles.

On June 15, 1923, the Sanitary Food Mfg. Co., St. Paul, Minn., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,108.53, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11519. Misbranding of Hooper's pills. U. S. v. 191 Packages of Hooper's Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17477. S. No. E-4270.)**

On April 27, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 191 packages of Hooper's pills, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by the American Synthetic Co., Philadelphia, Pa., in part on or about January 16 and in part on or about March 15, 1923, and transported from the State of Pennsylvania into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of aloes and iron sulphate.

Misbranding of the article was alleged in the libel for the reason that the following statements borne on the wrapper accompanying the article, regarding its curative and therapeutic effect, to wit. " \* \* \* perfection in opening obstruction of the vessels \* \* \* cure of disorders peculiarly incident to the Female Sex \* \* \* remedy against those general complaints, the Female Sex are subject to \* \* \* cleanse, purify, and cause a free circulation of the blood \* \* \* for the palpitation of the heart, giddiness, loathing of food, bad digestion, pains of the stomach, heating of the arteries of the neck, short breath \* \* \* scurvy; for all which distempers they are a most excellent and successful remedy \* \* \* should be taken by all women at the age of forty-five \* \* \* to prevent those disorders that usually attend them at that time. \* \* \* a sovereign remedy \* \* \* in all hypochondriac, hysterick, or vapourish disorders \* \* \* strengthen the nerves \* \* \* continue their use till the end is answered." were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the effects claimed.

On June 5, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*



**11520. Misbranding of Madame Dean female pills. U. S. v. 3 Dozen Packages and 5 Dozen Packages of Madame Dean Female Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 13328. I. S. No. 10357-t S. No. W-660.)**

On August 18, 1920, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 dozen packages, special strength, and 5 dozen packages, single strength, of Madame Dean female pills, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by Martin Rudy, from Lancaster, Pa., in three consignments, namely, January 29 and December 12, 1919, and July 1, 1920, respectively, and transported from the State of Pennsylvania into the State of California, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the special strength pills contained quinine, aloes, iron sulphate, senecio flowers and herb, ginger, and cornstarch, and that the single strength pills contained quinine, aloes, iron sulphate, hydrastis, ginger, and cornstarch.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements appearing in the labeling of the said article, (box and wrapper) "Female Pills \* \* \* give relief in Female Disorders of the menstrual functions. \* \* \* for Painful, Irregular and Scanty Menstruation," (booklet) "irregular, prolonged, or suppressed menstruation. \* \* \* Female Pills afford relief for these ailments. \* \* \* a remedy intended solely for the relief of Amenorrhoea, Dysmenorrhoea, scanty and irregular menstruation, and other derangements of the reproductive system \* \* \* especially valuable in the functional changes \* \* \* of the menopause or change of life. \* \* \* act on the circulatory system of the uterus, thereby relieving painful, irregular and scanty menstruation, and assist in re-establishing or restoring, the menstrual or monthly periods. \* \* \* strengthen and build up the uterine functions," (circular) "a great relief against those general complaints the Female Sex is subject to; they help increase the vital quality of the blood; assist to bring nature into its proper channel \* \* \* for irregular, painful, scanty or suppressed menstruations \* \* \* should be taken \* \* \* to assist nature with \* \* \* disorders \* \* \* during the *change of life period*. \* \* \* Continue \* \* \* the treatment until they give relief. \* \* \* great relief from Pains or Headache \* \* \* for suppressed Menstruation \* \* \* continue their use until relieved \* \* \* take \* \* \* until the menstrual flow commences again," were false and fraudulent since the said article contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11521. Misbranding of bran. U. S. v. Rosenbaum Bros., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 13926. I. S. No. 12167-F.)**

On April 19, 1920, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Rosenbaum Bros., a corporation, alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 8, 1919, from the State of Illinois into the State of Indiana, of a quantity of bran which was misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 11, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11522. Misbranding of Yerkes palatable wine extract of cod-liver oil.** U. S. v. 4 Dozen, et al., Bottles of Yerkes Palatable Wine Extract of Cod-Liver Oil. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 15828, 15829, 15830, 16072, 16073, 16074, S. Nos. E-3832, E-3833, E-3834.)

On April 4, 1922, the United States attorney for the Western District of Virginia, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 7½ dozen bottles of Yerkes palatable wine extract of cod-liver oil, in various lots at Stockton, Martinsville, Axton, Boone Mill, and Bassetts, Va., respectively, alleging that the article had been shipped by the Yerkes Chemical Co., from Winston-Salem, N. C., in part on or about July 20, 1921, and in part on or about July 29, 1921, and transported from the State of North Carolina into the State of Virginia, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of compounds of sodium, potassium, calcium, iron, quinine, strychnine, and phosphorus, extracts of plant drugs, including wild cherry bark, possible traces of cod-liver oil and malt extract, sugar, alcohol, and water, flavored with benzaldehyde.

Misbranding of the article was alleged in substance in the libels for the reason that the following statements appearing on the labels of the bottles and cartons containing the article, (bottle and carton) "A superior nutrient \* \* \* and reconstructive of especial value for restoring tone and vigor to the entire system. Indicated in General Debility, Nervous Prostration, Tuberculosis, Emaciation, Scrofulosis, Winter Cough, Bronchitis, etc.," (carton) "Builds You Up \* \* \* Unexcelled as a \* \* \* nutrient and reconstructive remedy. Indicated in \* \* \* General Debility, Nervous Prostration, Neurasthenia, Anemia, Chlorosis, Nervous Dyspepsia, Hysteria, Chronic Cough, Consumption, Chronic Bronchitis, Scrofula and other chronic diseases requiring building up treatment. \* \* \* nerve-nutrient and reconstructive," regarding the curative and therapeutic effects of the said article, were false and fraudulent in that the said statements represented that the said article was a superior nutrient and reconstructive of especial value for restoring tone and vigor to the entire system, and indicated in general debility, nervous prostration, tuberculosis, emaciation, scrofulosis, winter cough, bronchitis, etc., that it was effective for building up the system, was unexcelled as a nutrient and a reconstructive remedy, and indicated in general debility, nervous prostration, neurasthenia, anemia, chlorosis, nervous dyspepsia, hysteria, chronic cough, consumption, chronic bronchitis, scrofula, and other chronic diseases requiring building-up treatment, and that it was a nerve nutrient and reconstructive, whereas, in truth and in fact, it was not.

On October 14, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11523. Adulteration of chloroform.** U. S. v. 19 Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16713. S. No. E-4107.)

On August 4, 1922, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 19 tins of chloroform, remaining unsold in the original unbroken packages at Willimantic, Conn., alleging that the article had been shipped from New York, N. Y., on or about March 13, 1922, and transported from the State of New York into the State of Connecticut, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform for Anesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained hydrochloric acid, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity for a drug sold under said name, as determined by the test laid down in said Pharmacopœia, official at the time of investigation.



On May 29, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11524. Adulteration of shell eggs. U. S. v. 9 Cases of Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17031. I. S. No. 3954-v. S. No. C-3835.)**

On November 18, 1922, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cases of eggs, at Chicago, Ill., alleging that the article had been shipped by the Judson Creamery & Produce Co., from North Judson, Ind., November 15, 1922, and transported from the State of Indiana into the State of Illinois, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in part of a filthy animal substance, for the further reason that it consisted in part of a decomposed animal substance, and for the further reason that it consisted in part of a putrid animal substance.

On December 7, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11525. Adulteration and misbranding of vinegar. U. S. v. 10 Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17183. I. S. No. 2153-v. S. No. E-4283.)**

On January 22, 1923, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 barrels of vinegar, at Pittsburgh, Pa., alleging that the article had been shipped by the National Vinegar Co., from Brocton, New York, on or about March 20, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made From Apples \* \* \* Reduced With Water To 40% Acetic Acid Date Of Manufacture 1920 National Vinegar Company Buffalo, N. Y."

Adulteration of the article was alleged in the libel for the reason that evaporated apple products vinegar had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statements appearing in the labeling, "Pure Cider Vinegar Made From Apples \* \* \* National Vinegar Company," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, namely, pure cider vinegar made from apples.

On April 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11526. Adulteration and misbranding of canned shrimp. U. S. v. 200 Cans of Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17190. I. S. No. 2098-v. S. No. E-3248.)**

On January 22, 1923, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 200 cans of shrimp, at Pittsburgh, Pa., alleging that the article had been shipped by the Phoenix Packing Co., from Buras, La., on or about September 12, 1922, and transported from the State of Louisiana into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Gulf Bay Brand \* \* \* Shrimp Contents Wet Pack 5½ Ounces \* \* \* Packed By Phoenix Packing Co. Buras, La."

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed with and substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the statement appearing in the labeling, "Contents Wet Pack 5½ Ounces," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11527. Adulteration and misbranding of sauerkraut. U. S. v. 14 Cases of Sauerkraut. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17279. I. S. No. 2134-v. S. No. E-4303.)**

On February 13, 1923, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 cases of sauerkraut, at Uniontown, Pa., alleging that the article had been shipped by the W. H. Killian Co., from Baltimore, Md., on or about November 17, 1922, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Killian's Kuality \* \* \* Sauer Kraut Contents 2 Lb. \* \* \* Packed By W. H. Killian Co. Baltimore, U. S. A."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the statement, "Kuality \* \* \* Sauer Kraut Contents 2 Lb.," together with the design showing a cabbage, appearing in the labeling, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11528. Adulteration and misbranding of assorted jams. U. S. v. 195 Cases of Assorted Jams. Decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 17335. I. S. Nos. 8242-v, 8243-v, 8244-v, 8245-v, 8246-v, 8247-v, 8248-v. S. No. W-1834.)**

On or about March 19, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 195 cases of assorted jams, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Sanitary Food Mfg. Co., St. Paul, Minn., alleging that the articles had been shipped from St. Paul, Minn., on or about April 4, 1922, and transported from the State of Minnesota into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Golden Moon \* \* \* Apple & Plum" (or "Apple & Blackberry," "Apple & Loganberry," "Apple & Pineapple," "Apple & Strawberry," "Apple & Peach," or "Apple & Raspberry") "Jam \* \* \* Sanitary Food Mfg. Co. St. Paul, Minn."

Adulteration of the articles was alleged in the libel for the reason that products containing mixtures of acidified pectin jelly and fruit jams had been mixed and packed with and substituted wholly or in part for the respective articles.

Misbranding was alleged for the reason that the statements, "Apple & Plum Jam," "Apple & Raspberry Jam," "Apple & Blackberry Jam," "Apple & Loganberry Jam," "Apple & Pineapple Jam," "Apple & Strawberry Jam," or "Apple & Peach Jam," as the case might be, appearing on the labels of the



respective containers of the said jams, were false and misleading and deceived and misled the purchaser thereof. Misbranding was alleged for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles.

On June 15, 1923, the Sanitary Food Mfg. Co., St. Paul, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,450, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11529. Adulteration and misbranding of assorted jellies. U. S. v. 47 Cases of Assorted Jellies. Decree of condemnation and forfeiture. Products released under bond. (F. & D. No. 17337. I. S. Nos. 8746-v, 8747-v, 8748-v, 8749-v. S. No. W-1348.)**

On or about March 21, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 47 cases of assorted jellies, remaining unsold in the original unbroken packages at Trinidad, Colo., consigned by Seavey-Flarsheim, Kansas City, Mo., alleging that the articles had been shipped from Kansas City, Mo., on or about August 5, 1922, and transported from the State of Missouri into the State of Colorado, and charging adulteration and misbranding in violation of the Food and Drugs Act. The articles were labeled in part: "Golden Moon \* \* \* Net Weight 7 Ozs." (or "13 Ozs.") "Apple-Grape" (or "Apple-Strawberry," "Apple-Currant," or "Apple-Raspberry") "Jelly \* \* \* Sanitary Food Mfg. Co. St. Paul, Minn."

Adulteration of the articles was alleged in the libel for the reason that a product composed of pectin, sugar, and tartaric acid, and in the case of the said apple-grape jelly, artificial flavor, and containing little or no fruit juices, had been mixed and packed with and substituted wholly or in part for the respective articles.

Misbranding of the articles was alleged for the reason that the statements, "Apple-Grape," "Apple-Raspberry," "Apple-Strawberry," or "Apple-Currant," as the case might be, and "Jelly Apple Juice 28%," appearing on the respective containers of the said jellies, were false and misleading and deceived and misled the purchaser thereof. Misbranding was alleged for the further reason that the articles were imitations of and offered for sale under the distinctive names of other articles.

On June 15, 1923, the Sanitary Food Mfg. Co., St. Paul, Minn., claimant, having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$416.79, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11530. Misbranding of cottonseed meal. U. S. v. Planters Cotton Oil Co., a Corporation. Plea of guilty. Fine, \$25. (F. & D. No. 9851. I. S. No. 15415-p.)**

On October 16, 1919, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Planters Cotton Oil Co., a corporation, Dallas, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about November 27, 1917, from the State of Texas into the State of Michigan, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Good Luck Brand Cotton Seed Meal."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 7.44 per cent of ammonia, 38.25 per cent of protein, 6.12 per cent of nitrogen, and 14.17 per cent of fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Analysis: Ammonia 8 Per Cent Protein 41 Per Cent Nitrogen 6½ Per Cent \* \* \* Crude Fibre Not Over 9 Per Cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article con-

tained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than  $6\frac{1}{2}$  per cent of nitrogen, and not over 9 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 8 per cent of ammonia, not less than 41 per cent of protein, not less than  $6\frac{1}{2}$  per cent of nitrogen, and not over 9 per cent of crude fiber, whereas, in truth and in fact, it did contain less than 8 per cent of ammonia, 41 per cent of protein, and  $6\frac{1}{2}$  per cent of nitrogen, to wit, approximately 7.44 per cent of ammonia, approximately 38.25 per cent of protein, and approximately 6.12 per cent of nitrogen, and did contain over 9 per cent of crude fiber, to wit, 14.17 per cent of fiber.

On June 20, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11531. Adulteration and misbranding of olive oil. U. S. v. 14 Cans and 30 Cans of Olive Oil, So-Called. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15531. I. S. Nos. 15430-t, 15431-t. S. No. E-3610.)

On October 17, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 14 gallon cans and 30 quart cans of olive oil, so-called, remaining unsold at Newark, N. J., alleging that the article had been shipped by the International Olive Oil Co., New York, N. Y., on or about June 1, 1921, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that it was sold under a name recognized in the United States Pharmacopœia and differed from the Pharmacopœial standard of strength, quality, or purity. Adulteration was alleged for the further reason that a substance, peanut oil, mixed in a manner whereby damage or inferiority was concealed, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the label bore statements, designs, or devices regarding the article or the ingredients or substances contained therein, as follows, "Olive Oil Pure Virgin \* \* \* Highly Recommended For Medicinal Purpose \* \* \* This oil being strictly pure is therefore recommended for medicinal and all other purposes for which Olive Oil is used" (practically same statements in Italian) "Riviera d'Italia Brand" (cuts showing olive sprays bearing olives) "Net Contents 1/4 Gallon" (or "Net Contents One Gallon") " \* \* \* Imported By E. B. New York," which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of or offered for sale under the distinctive name of another article, for the further reason that it purported to be a foreign product when not so, for the further reason that the package was falsely branded as to the country in which the article was manufactured or produced, and for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since the statement made was not correct.

On June 11, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11532. Adulteration of tomato paste. U. S. v. 1,400 Tins of Tomato Paste. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16081. I. S. No. 15522-t. S. No. E-3838.)

On April 6, 1922, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,400 tins of tomato paste, remaining unsold in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by Thomas Page, Albion, N. Y., on or about December 19, 1921, and transported from the State of New York into the State of Pennsylvania,



and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mt. Etna Brand \* \* \* Concentrated Tomato \* \* \* Packed By Thomas Page, Albion, N. Y."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On August 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11533. Misbranding of Dr. DeWitt's liver, blood, and kidney remedy and Dr. DeWitt's eclectic cure. U. S. v. 27 Bottles, et al., of Dr. DeWitt's Liver, Blood, and Kidney Remedy and 84 Bottles, et al., of Dr. DeWitt's Electric [Eclectic] Cure. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16456, 16465. S. Nos. E-3975, E-3983.)**

On June 27, 1922, the United States attorney for the Northern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 41 bottles of Dr. DeWitt's liver, blood, and kidney remedy and 14 dozen bottles of Dr. DeWitt's electric [eclectic] cure, in part at Sumatra, Fla., and in part at Quintette, Fla., alleging that the articles had been shipped by the W. J. Parker Co., Baltimore, Md., in part on or about February 24 and in part on or about April 17, 1922, and transported from the State of Maryland into the State of Florida, and charging misbranding in violation of the Food and Drugs Act, as amended. The articles were labeled in part, respectively: (Eclectic cure) (bottle) "Cure \* \* \* for Cramps, Colic and Diarrhoea \* \* \* Indigestion \* \* \* Horse Colic," (carton) "Cure \* \* \* for Indigestion, Diarrhoea, Cramps, Cramp Colic, Neuralgia, Headache, Toothache, Sore Throat, &c. \* \* \* Cholera Morbus \* \* \* Rheumatism and pains generally \* \* \* Sprains or Frosted Feet," (carton) (French and other foreign languages) "Cure for the relief of Pains of the Stomach and Intestines, Colics and intestinal Cramps and Diarrhoea," (circular) "Cure \* \* \* for Indigestion, Diarrhoea, Cramps, Cramp Colic, Neuralgia, Headache, Toothache, Sore Throat, &c. \* \* \* spasmodic attacks \* \* \* Swelling of the Stomach \* \* \* Sprains \* \* \* Horse Colic \* \* \* Chicken Cholera;" (liver, blood, and kidney remedy) (bottle and circular) "Dr. DeWitt's Liver, Blood and Kidney Remedy \* \* \* Recommended for Relief of Diabetes, Inflammation of the Bladder, Malaria, General Debility, Pains Under Shoulder Blades, Back and Sides And Diseases arising from Derangement of the Kidneys and Liver," (carton labeled the same except no reference to diabetes and contained in addition) "Blood Purifier and for Kidney and Liver Diseases."

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the liver, blood, and kidney remedy consisted essentially of magnesium sulphate, extracts of plant drugs, including senna and buchu, a trace of iodine, alcohol, and water, and that the eclectic cure consisted essentially of volatile oils, including peppermint and sassafras oils, spices, including capsicum and ginger, ether, alcohol, and water.

Misbranding of the articles was alleged in substance in the libels for the reason that the above-quoted statements regarding the curative and therapeutic effects of the said articles were false and fraudulent since the articles contained no ingredients or combinations of ingredients capable of producing the effects claimed.

On December 11, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the products be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11534. Adulteration of chloroform. U. S. v. 32 Cans, et al., of Chloroform. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16544, 16545, 16546, 16611, 16620, 16639. S. Nos. E-4017, E-4018, E-4020, E-4050, E-4053, E-4063.)**

On July 12 and 20, 1922, respectively, the United States attorney for the Western District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 123 cans of chloroform, in

various lots at Altoona, Albion, Jeannette, Bedford, Blairsville, and Ridgway, Pa., respectively, alleging that the article had been shipped from New York, N. Y., between the dates of March 23 and May 26, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform for Anesthesia."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained chlorid, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libels for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation.

On April 24, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11535. Adulteration of chloroform. U. S. v. 18 Cans and 16 Cans of Chloroform. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16634, 16635. S. Nos. E-4057, E-4062.)**

On or about July 21 and August 3, 1922, respectively, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 34 cans of chloroform, remaining in the original unbroken packages, in part at St. George and in part at Darlington, S. C., alleging that the article had been shipped from New York, N. Y., in part on March 15 and in part on March 20, 1922, and transported from the State of New York into the State of South Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform for Anesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained hydrochloric acid, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libels for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia.

On December 15, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11536. Adulteration of chloroform. U. S. v. 183 Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16642. S. No. E-4066.)**

On July 20, 1922, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 183 tins of chloroform, at Erie, Pa., alleging that the article had been shipped from New York, N. Y., on or about April 17, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform for Anesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained hydrochloric acid, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation.



On April 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11537. Adulteration and misbranding of sage. U. S. v. McIlvaine Bros., Inc., a Corporation. Plea of guilty. Fine, \$200. (F. & D. No. 16963. I. S. No. 15964-t.)**

At the December, 1922, term of the United States District Court, within and for the Eastern District of Pennsylvania, the United States attorney for said district, acting upon a report by the Secretary of Agriculture, filed in the district court aforesaid an information against McIlvaine Bros., Inc., a corporation, Philadelphia, Pa., alleging shipment by said company, in violation of the Food and Drugs Act, on or about January 10, 1922, from the State of Pennsylvania into the State of New York, of a quantity of sage which was adulterated and misbranded. The article was labeled in part: "McIlvaine's McIB Whole Sage \* \* \* McIlvaine Brothers \* \* \* Philadelphia."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of Greek sage and contained no pure whole sage.

Adulteration of the article was alleged in the information for the reason that its strength and purity fell below the professed standard and quality under which it was sold in that it was sold as pure whole sage, that is to say, *Salvia officinalis*, whereas, in truth and in fact, it was Greek sage, that is to say, *Salvia triloba*.

Misbranding of the article was alleged for the reason that the statements, to wit, "Whole Sage" and "Pure," borne on the packages containing the said article, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was pure whole sage, that is to say, *Salvia officinalis*, whereas, in truth and in fact, it was not pure whole sage but was Greek sage, that is to say, *Salvia triloba*. Misbranding was alleged for the further reason that the article was a product composed in whole or in part of Greek sage, that is to say, *Salvia triloba*, prepared in imitation of and offered for sale and sold under the name of another article, to wit, whole sage, that is to say, *Salvia officinalis*.

On June 15, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11538. Adulteration and misbranding of vinegar. U. S. v. 45 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 16984. I. S. No. 155-v. S. No. E-4227.)**

On November 18, 1922, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 45 barrels of vinegar, remaining unsold in the original unbroken packages at Waterbury, Conn., consigned by the Powell Corp., Canandaigua, N. Y., alleging that the article had been shipped on or about September 16, 1922, into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made From Apples Reduced To 4% \* \* \* Man'fd By The Powell Corp Canandaigua, N. Y."

Adulteration of the article was alleged in the libel for the reason that distilled and evaporated apple products vinegar had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the labels on the barrels containing the article bore the following statement, "Pure Cider Vinegar Made From Apples," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article, to wit, cider vinegar.

On May 23, 1923, the Powell Corp., Canandaigua, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judg-

ment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11539. Adulteration of shell eggs. U. S. v. 10 Cases, 17 Cases, and 365 Cases of Shell Eggs. Default decrees of condemnation and forfeiture entered with respect to a portion of the product. Consent decree of condemnation and forfeiture entered with respect to the remainder. Product ordered destroyed.** (F. & D. Nos. 17054, 17055, 17056. I. S. Nos. 74-v, 75-v, 251-v. S. No. E-4246.)

On December 22, 1922, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 392 cases of shell eggs, at New York, N. Y., alleging that the article had been shipped by the Bell-Jones Co., Davenport, Iowa, November 17, 1922, and transported from the State of Iowa into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Bell Jones Co. Cold Storage Recd. May 6-22."

Adulteration of the article was alleged in the libels for the reason that ammonia had been mixed and packed with and substituted in whole or in part for the said article.

On March 13, 1923, the Bell-Jones Co., Davenport, Iowa, having appeared as claimant for 365 cases of the product and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the said 365 cases of the product be destroyed by the United States marshal and that the said claimant pay the costs of the proceedings. On May 16, 1923, no claimant having appeared for the remainder of the product, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the said product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11540. Misbranding of Blacko kidney tablets. U. S. v. Blacko Medicine Co., a Corporation. Plea of nolo contendere. Fine, \$10.** (F. & D. No. 12812. I. S. No. 7306-r.)

On January 26, 1922, the United States attorney for the Southern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Blacko Medicine Co., a corporation, Charleston, W. Va., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about June 18, 1919, from the State of West Virginia into the State of Kentucky, of a quantity of Blacko kidney tablets which were misbranded. The article was labeled in part: "Blacko Kidney Tablets \* \* \* The Blacko Medicine Co. Charleston, W. Va."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the tablets were composed essentially of hexamethylenamine, methylene blue, boric acid, potassium nitrate, potassium bicarbonate, and plant extractive material, flavored with methyl salicylate.

Misbranding of the article was alleged in substance in the information for the reason that certain statements, regarding the therapeutic and curative effects of the said article, appearing on the labels of the bottles and cartons containing the same and in the accompanying circular, falsely and fraudulently represented the said article to be effective as a treatment, preventive, remedy, and cure for kidney and bladder troubles, weak kidneys, urinary troubles, swollen joints, inflammation of the bladder, sediment in the urine, sudden stoppage or retention of urine, puffiness under the eyes, voracious appetite, gallstone, swollen ankles, frequent calls, dribbling, irregular heart action, pale skin, pains when urinating, and enlargements of the prostate glands in old men, when, in truth and in fact, it was not.

On May 25, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

HOWARD M. GORE, *Acting Secretary of Agriculture.*



**11541. Misbranding of Dr. Roger's Improved Rog-R-Pills. U. S. v. 11 Boxes of Dr. Roger's Improved Rog-R-Pills. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15818. I. S. No. 12352-t. S. No. C-3492.)**

On March 31, 1922, the United States attorney for the District of North Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 11 boxes of Dr. Roger's Improved Rog-R-Pills, at Fargo, N. Dak., alleging that the article had been shipped by the Digestive Chemical Co., from St. Paul, Minn., on or about March 17, 1922, and transported from the State of Minnesota into the State of North Dakota, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the pills consisted essentially of iron carbonate, tansy oil, ergot extract, aloin, and a fixed oil.

Misbranding of the article was alleged in the libel for the reason that the labeling contained the following statements as to the curative and therapeutic effect of the said article. (box) "For Women \* \* \* A Very Efficient Remedy For Menstrual Disorders Only, Caused By Colds, Nervous Shocks And Anemia. \* \* \* Very Necessary Remedy For Every Woman," (circular) " \* \* \* for Women \* \* \* will relieve many cases of Suppression of the Menses, caused by Colds, Nervous Shocks, Anemia, General Debility, etc. \* \* \* a very large portion of the ills to which Females are liable are the direct result of suppressed or disordered Menstruation and other Uterine diseases, and it is necessary, therefore, that a remedy for the relief of these diseases be placed within the reach of every woman. Ladies who are compelled to go to bed each month from pain and weakness or back ache, will be relieved if they will take one pill three times a day before meals, beginning a day or so previous to the period. \* \* \* Take \* \* \* until natural menstrual flow has been produced. \* \* \* After you have taken one or two boxes of pills and you have not obtained any results, wait until eight days before following period, and then continue with pills until natural flow has been obtained. \* \* \* If these pills are taken one or two days before the expected period \* \* \* you will avoid all monthly pains and irregularities," which were false and fraudulent in that the said article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 5, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11542. Misbranding of olive oil. U. S. v. 23 Cans of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 16370. I. S. No. 15561-t. S. No. E-3872.)**

On May 19, 1922, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 23 quart cans of olive oil, remaining unsold in the original unbroken packages at Stamford, Conn., alleging that the article had been shipped by Courumalis & Co., New York, N. Y., on or about March 15, 1922, and transported from the State of New York into the State of Connecticut, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "La Bella Fiume \* \* \* Prodotto Garantito \* \* \* Packed By Valore Olive Oil Co. New York Net Contents One Quart."

Misbranding of the article was alleged in the libel for the reason that the labels on the cans containing the said article bore the following statement, "Net Contents One Quart," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 29, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be sold by the United States marshal or destroyed if such sale could not be speedily effected.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

- 11543. Adulteration and misbranding of canned oysters. U. S. v. 6 Cases of Canned Oysters. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 17324. I. S. No. 3326-v. S. No. E-4321.)**

On March 6, 1923, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 cases of canned oysters, remaining in the original unbroken packages at Rome, Ga., alleging that the article had been shipped by the Shelmore Oyster Products Co., from Charleston, S. C., on or about November 13, 1922, and transported from the State of South Carolina into the State of Georgia, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Crystal Bay Brand \* \* \* Contains 5 Oz. Oyster Meat Oysters Packed Fresh From Oyster Beds Of The Atlantic."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly and in part for the said article.

Misbranding was alleged for the reason that the label on the can containing the article bore the statement, "Crystal Bay Brand \* \* \* Contains 5 Oz. Oyster Meat Oysters," which statement was false and misleading and deceived and misled the purchaser into the belief that each of the said cans contained 5 ounces of oyster meat, whereas, in truth and in fact, the said cans did not each contain 5 ounces of oyster meat, but did contain a materially less quantity than 5 ounces of the said product. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be relabeled "Slack Filled. Contents  $4\frac{1}{2}$  Ozs. Oyster Meat" and sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

- 11544. Adulteration of tangerines. U. S. v. 150 Boxes of Tangerines. Consent decree of condemnation, forfeiture, and destruction. (F. & D. No. 17328. I. S. No. 6649-v. S. No. C-3910.)**

On February 7, 1923, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 150 boxes of tangerines, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the Polk Co. Citrus Sub-Exchange (Florida Citrus Exchange), from Florence Villa, Fla., on or about February 1, 1923, and transported from the State of Florida into the State of Missouri, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Box) "Yankee Boy Tangerine \* \* \* Florida Citrus Exchange;" (wrapper) "Sealdsweet \* \* \* Florida Citrus Exchange, Citrus Exchange Building, Tampa, Florida."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in large part of a filthy, decomposed, and putrid animal or vegetable substance.

On March 1, 1923, the owner of the property having appeared and admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

- 11545. Misbranding of Plough's Prescription C-2223. U. S. v. 1 Package and 1 Package of Plough's Prescription C-2223. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17363. I. S. No. 4880-v. S. No. C-3947.)**

On or about April 7, 1923, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 packages, each containing 12 bottles of Plough's Prescription C-2223, remaining in the original unbroken packages at Evansville, Ind., alleging that the article had been shipped by the Plough Chemical Co., Memphis, Tenn., in two consignments, and received by the consignee on or about



November 20, 1922, and January 24, 1923, respectively, and that it had been transported from the State of Tennessee into the State of Indiana, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "A Blood Purifier Recommended For Treatment of Rheumatism \* \* \* In severe cases, take \* \* \* until relieved;" (carton) "Blood Purifier Recommended for disorders caused by impure blood as Eczema, Chronic Sores and constitutional blood diseases. Rheumatism \* \* \* Sciatica, Lumbago, Lame Back, Uric and Lactic Acid Conditions;" (circular) "A Reliable Blood Purifier A Treatment for Rheumatism \* \* \* Sciatica, Lumbago, Lame Back, Blood Disorders Eczema, Chronic Sores and Similar Diseases Caused by Bad Blood. \* \* \* In the treatment of Scrofula, Rheumatism, certain Catarrhal Conditions, Hereditary Blood Taints, Diseases of the Bones, Ulcerous Sores, Prescription C-2223 has been recommended and used for many years. Helpless, unhappy persons who had given up all hope of relief, have found in this Blood Purifier a means of relief. Men, women and even children, whose energy has been sapped and their life almost wrecked, who were troubled with festering sores or tortured with rheumatic pains, have been relieved from the grip of these diseases, after the continued use of or treatment with Prescription C-2223. \* \* \* for any trouble due to poisoned or tainted blood, get you a bottle of Prescription C-2223. \* \* \* 'In \* \* \* conditions due to tainted blood, it acts as a specific.' \* \* \* 'the most valuable remedy known in the treatment of rheumatism; it eases the pain, diminishes the fever—results are almost certain in acute \* \* \* cases.' \* \* \* Prescription C-2223 has relieved \* \* \* many thousands, suffering from Rheumatism \* \* \* Lumbago, Sciatica, diseases due to tainted or impure blood, evidenced by chronic Sores, Scrofula, Eczema and other similar conditions of the skin."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodid, colchicum extract, a trace of salicylic acid, glycerin, alcohol, and water, flavored with anise.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements with respect to the curative and therapeutic effects of the said article were false and fraudulent in that the article contained no ingredient or combination of ingredients capable of producing the results claimed.

On June 16, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11546. Misbranding of Plough's Prescription C-2223. U. S. v. 50 Bottles of Plough's Prescription C-2223. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17366. I. S. Nos. 11053-v, 11054-v. S. Nos. C-3934, C-3935.)**

On March 16, 1923, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 bottles of Plough's Prescription C-2223, remaining unsold in the original unbroken packages at Oklahoma City, Okla., consigned in part June 5, 1922, and in part January 25, 1923, alleging that the article had been shipped by the Plough Chemical Co., Memphis, Tenn., and transported from the State of Tennessee into the State of Oklahoma, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "A Blood Purifier Recommended For Treatment of Rheumatism \* \* \* In severe cases, take \* \* \* until relieved;" (carton, \$1 size) "Rheumatism \* \* \* Sciatica, Lumbago, Lame Back, Uric and Lactic Acid Conditions Blood Disorders Eczema, Chronic Sores and similar affections arising from bad blood;" (carton, 50-cent size) "Blood Purifier Recommended for disorders caused by impure blood as Eczema, Chronic Sores and constitutional blood diseases. Rheumatism \* \* \* Sciatica, Lumbago, Lame Back, Uric and Lactic Acid Condition;" (circular) "A Reliable Blood Purifier A Treatment for Rheumatism \* \* \* Sciatica, Lumbago, Lame Back, Blood Disorders Eczema, Chronic Sores and Similar Diseases Caused by Bad Blood. \* \* \* In the treatment of Scrofula, Rheumatism, certain Catarrhal Conditions, Hereditary Blood Taints, Diseases of the Bones, Ulcerous Sores, Prescription C-2223 has

been recommended and used for many years. Helpless, unhappy persons who had given up all hope of relief, have found in this Blood Purifier a means of relief. Men, women and even children, whose energy has been sapped and their life almost wrecked, who were troubled with festering sores or tortured with rheumatic pains, have been relieved from the grip of these diseases, after the continued use of or treatment with Prescription C-2223. \* \* \* for any trouble due to poisoned or tainted blood, get you a bottle of Prescription C-2223. \* \* \* 'In \* \* \* conditions due to tainted blood, it acts as a specific.' \* \* \* 'the most valuable remedy known in the treatment of rheumatism; it eases the pain, diminishes the fever—results are almost certain in acute \* \* \* cases.' \* \* \* Prescription C-2223 has relieved \* \* \* many thousands, suffering from Rheumatism \* \* \* Lumbago, Sciatica, diseases due to tainted or impure blood, evidenced by chronic Sores, Scrofula, Eczema and other similar conditions of the skin."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of potassium iodid, colchicum extract, a trace of salicylic acid, alcohol, and water, flavored with anise.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the labeling, regarding the curative and therapeutic effects of the said article, were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On June 4, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11547. Adulteration and misbranding of minced clams. U. S. v. 100 Cases, et al., of Minced Clams. Consent decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17450, 17451, 17453. I. S. Nos. 8295-v, 8296-v, 8298-v. S. Nos. W-1368, W-1370, W-1371.)**

On or about April 9, 1923, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 210 cases of minced clams, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Pioneer Packing Co., in part from Bay City, Wash., and in part from Cosmopolis, Wash., on March 23, 1923, and transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Case) "48 No. 1/2 Sanitary Pioneer Brand Minced Sea Clams Packed by Pioneer Packing Co., Aberdeen, Washington, U. S. A.;" (can) "Pioneer Brand Minced Sea Clams \* \* \* Contents 7 Oz."

Adulteration of the article was alleged in the libels for the reason that excessive brine or liquor had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for normal clams of good commercial quality.

Misbranding was alleged in substance for the reason that the statement, "Minced \* \* \* Clams," appearing on the labels of the cases and cans containing the article, was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 9, 1923, the Pioneer Packing Co., a corporation, Aberdeen, Wash., having entered an appearance as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11548. Adulteration and misbranding of canned oysters. U. S. v. 75 Cases of Canned Oysters. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17470. I. S. No. 2656-v. S. No. E-4365.)**

On April 24, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the



seizure and condemnation of 75 cases of canned oysters, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the St. Michaels Packing Co., St. Michaels, Md., alleging that the article had been shipped from St. Michaels, Md., on or about March 20, 1923, and transported from the State of Maryland into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Sure-Go Brand Cove Oysters \* \* \* Packed By The St. Michaels Packing Co. St. Michaels, Md. \* \* \* Contents Weigh 5 Oz."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, excessive brine, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted in whole or in part for the said article.

Misbranding was alleged in substance for the reason that the labels on the cans containing the article bore the following statements, designs, and devices regarding the said article and the ingredients and substances contained therein, "Cove Oysters \* \* \* Contents Weigh 5 Oz.," which were false and misleading. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the quantity stated was not correct.

On June 5, 1923, the St. Michaels Packing Co., St. Michaels, Md., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$300, in conformity with section 10 of the act, conditioned in part that it be relabeled under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11549. Adulteration and misbranding of canned oysters. U. S. v. 190 cases of oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17474. I. S. No. 8008-v. S. No. W-1376.)**

On April 24, 1923, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 190 cases of oysters, remaining in the original unbroken packages at San Francisco, Calif., consigned by the Pelican Lake Oyster & Packing Co., Ltd., New Orleans, La., alleging that the article had been shipped from New Orleans, La., March 16, 1923, and transported from the State of Louisiana into the State of California, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "'Pelican Lake' Brand Selected Oysters Net Contents 5 Oz. Packed by Pelican Lake Oyster & Packing Co. Ltd., Houma, La."

Adulteration of the article was alleged in the libel for the reason that water had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the statement appearing on the said label, to wit, "Oysters," was false and misleading and deceived and misled the purchaser.

On May 1, 1923, the Pelican Lake Oyster & Packing Co., Ltd., Houma, La., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$874, in conformity with section 10 of the act, conditioned in part that it be made to comply with the provisions of the law under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11550. Adulteration and misbranding of compound oil. U. S. v. 22 Cans of Compound Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15529. I. S. No. 15480-t. S. No. E-3601.)**

On October 7, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 22 cans of compound oil, remaining in the original unbroken

packages at Hoboken, N. J., alleging that the article had been shipped by Crisafulli Bros., from New York, N. Y., on or about July 9, 1921, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that substances, oils other than olive oil, including peanut oil, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article had been mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the package or label bore statements, designs, or devices, regarding the article or the ingredients or substances contained therein, as follows, "Finest Quality Table Oil La Migliore Brand Insuperabile Corn salad oil compound with Extra Fine Olive Oil Net Contents One Gallon," together with designs showing olive tree and olive spray bearing olives, which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of or offered for sale under the distinctive name of another article, and for the further reason that it was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On June 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*



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# United States Department of Agriculture.

## SERVICE AND REGULATORY ANNOUNCEMENTS.

### BUREAU OF CHEMISTRY.

### SUPPLEMENT.

N. J. 11551-11600.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 5, 1923.]

### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**11551. Adulteration of chloroform. U. S. v. 4 Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16201. S. No. E-3977.)**

On June 23, 1922, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 tins of chloroform at West Hoboken, N. J., alleging that the article had been shipped from New York, N. Y., on or about April 1, 1922, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform for Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained hydrochloric acid, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation, and the standard of strength, quality, and purity of the said article was not declared on the containers thereof.

On June 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11552. Adulteration and misbranding of vinegar. U. S. v. 4 Half Barrels of Vinegar. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16392. I. S. No. 9345-t. S. No. E-3951.)**

On or about June 16, 1922, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 half barrels of vinegar, remaining in the original unbroken packages at Charleston, S. C., alleging that the article had been shipped by the Fruit Products Co., Savannah, Ga., on or about May 30, 1922, and transported from the State of Georgia into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Fruit Products Co. White Distilled Vinegar 60 Gr. Pickling Savannah, Ga."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive water, had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the label bore a statement regarding the article and the ingredients or substances contained therein, as follows, "White Distilled Vinegar 60 Gr.," which statement was false and misleading and deceived and misled the purchaser, since the said article was not white vinegar of the designated strength but had been diluted with excessive water.

On May 19, 1923, no claimant having appeared for the property, and a jury having been impaneled and a verdict having been returned for the Government, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11553. Adulteration and misbranding of canned oysters. U. S. v. 24 Cases of Oysters in Tins. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16691. I. S. No. 3054-v. S. No. E-4091.)**

On or about August 3, 1922, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 24 cases of oysters in tins, remaining in the original unbroken packages at Mullins, S. C., alleging that the article had been shipped by the Hilton Head Packing Co., from Savannah, Ga., on or about June 29, 1922, and transported from the State of Georgia into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Hilton Head Brand \* \* \* Contains 5 Oz. Oyster Meat Oysters \* \* \* Packed By Hilton Head Packing Co. Office: Savannah, Ga."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive brine, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the labels of the tins containing the article bore statements regarding the said article, to wit, "Contain 5 Oz. Oyster Meat Oysters" and "5 Oz. \* \* \* Oysters," together with a design showing an open oyster, which were false and misleading and deceived and misled the purchaser, since the said article had been diluted with excessive brine and the said tins did not contain 5 ounces of oyster meat. Misbranding was alleged for the further reason that the article was an imitation of and offered [for sale] under the distinctive name of another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 19, 1923, no claimant having appeared for the property, and a jury having been impaneled and a verdict having been returned for the Government, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11554. Adulteration of shell eggs. U. S. v. 8 Cases of Shell Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16741. I. S. No. 52-v. S. No. E-4081.)**

On July 21, 1922, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 cases of shell eggs at Newark, N. J., alleging that the article had been shipped by Jarrell Bros., Inc., Mount Airy, N. C.; in two consignments, namely, on or about July 17 and 19, 1922, respectively, and transported from the State of North Carolina into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of decomposed eggs.

On June 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*



**11555. Adulteration of olives. U. S. v. 1 Cask of Olives. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16891. I. S. No. 94-v. S. No. E-4202.)

On October 27, 1922, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1 cask of olives at Silver Lake, N. J., alleging that the article had been shipped by Alphonse Chester, New York, N. Y., on or about June 29, 1922, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Jose Gomez Claro, Olive Grower and Exporter, Seville, Spain."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On June 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11556. Adulteration of shell eggs. U. S. v. William S. Davis. Plea of guilty. Fine, \$15 and costs.** (F. & D. No. 17074. I. S. Nos. 2501-v, 2506-v.)

On June 26, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against William S. Davis, Pittsville, Md., alleging shipment by said defendant, in violation of the Food and Drugs Act, in two consignments, namely, on or about July 17 and 24, 1922, respectively, from the State of Maryland into the State of Pennsylvania, of quantities of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of five cases taken from the two consignments showed that the said cases contained 2.7, 3.8, 5.0, 8.8, and 13.3 per cent of inedible eggs, consisting of black rots, mixed or white rots, spots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 26, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$15 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11557. Misbranding of olive oil. U. S. v. 12 1-Gallon Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17212. I. S. No. 240-v. S. No. E-4277.)

On or about January 16, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 1-gallon cans of olive oil at Paterson, N. J., alleging that the article had been shipped by B. J. Spiropoulos, New York, N. Y., on or about November 13, 1922, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Imported Pure Olive Oil \* \* \* d'Olive Importato Marca Irredenta Net Contents 1 Gal."

Misbranding of the article was alleged in the libel for the reason that the package or label bore a statement, design, or device regarding the article or the ingredients or substances contained therein, as follows, "1 Gal.," which was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On June 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11558. Adulteration of evaporated milk. U. S. v. 77 Cases of Evaporated Milk. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17326. I. S. No. 262-v. S. No. E-4320.)**

On March 8, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 77 cases of evaporated milk at Jersey City, N. J., alleging that the article had been shipped by Calevas Bros., New York, N. Y., on or about April 20, 1920, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Libby's Sterilized Unsweetened Evaporated Milk Packed And Guaranteed By Libby, McNeill & Libby Main Office Chicago Confectioners' Size Net Weight Of Contents 8 Lbs."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11559. Adulteration of frozen eggs. U. S. v. American Egg & Products Co., a Corporation. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. No. 17416. I. S. No. 7921-t.)**

On May 11, 1923, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Egg & Products Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 10, 1922, from the State of Missouri into the State of Pennsylvania, of a quantity of frozen egg which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained added water or egg white, and consisted of decomposed frozen eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance. Adulteration was alleged for the further reason that a substance, to wit, water or egg white, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for frozen egg which the said article purported to be.

On June 20, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11560. Misbranding of apples. U. S. v. John C. Losee. Plea of nolo contendere. Fine, \$25. (F. & D. No. 8971. I. S. No. 3314-p.)**

On October 1, 1918, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John C. Losee, Buckland, Mass., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about November 21, 1917, from the State of Massachusetts into the State of New York, of a quantity of apples which were misbranded. The article was labeled in part: "Standard Grade Min. Vol. 3 Bu. Baldwins Grown In Massachusetts Min. Size 2½ In. Packed By J. C. Losee, Buckland, Mass. Packed Accordance Act Congress Approved Aug. 1912."

Examination of one barrel of the product by the Bureau of Chemistry of this department showed 48 quarts of undersized apples and 10 quarts of apples which were wormy and infested by the codling moth.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Standard Grade \* \* \* Baldwins \* \* \* Min. Size 2½ In.," borne on the barrels containing the article, regarding the said article, was false and misleading in that the said statement represented that the apples contained in the said barrels were standard grade Baldwins of not less than 2½ inches each, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said apples were standard grade Baldwins of not less than 2½ inches each,



whereas, in truth and in fact, the said apples were not standard grade Baldwins of not less than 2½ inches each.

On December 8, 1922, the defendant entered a plea of *nolo contendere* to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11561. Adulteration and misbranding of oil. U. S. v. Karasos. Plea of *nolo contendere*. Fine, \$25. (F. & D. No. 10250. I. S. No. 12710-r.)**

On April 5, 1921, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against S. Karasos, Boston, Mass., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about October 10, 1918, from the State of Massachusetts into the State of Connecticut, of a quantity of oil which was adulterated and misbranded. The article was labeled in part: "Extra Fine Quality Oil Compound of olive oil and cotton seed oil One Full Quart."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted almost wholly of cottonseed oil and that it was short in volume.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for olive oil which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Extra Fine Quality Oil," in prominent type, together with the design and device of olive branches bearing olives, not corrected by the statement in inconspicuous type, "Compound of olive oil and cotton seed oil," and the statement, to wit, "One Full Quart," borne on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the article was olive oil and that each of the said cans contained 1 full quart thereof, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil and that each of the said cans contained 1 full quart of the article, whereas, in truth and in fact, it was not olive oil but was a mixture composed in large part of cottonseed oil which contained little, if any, olive oil, and each of said cans did not contain 1 full quart but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On November 23, 1922, the defendant entered a plea of *nolo contendere* to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11562. Adulteration and misbranding of Sparkling White Seal. U. S. v. 4 Cases, et al., of Sparkling White Seal. Consent decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 14035, 14036. I. S. Nos. 6481-t, 6482-t. S. Nos. E-2919, E-2920.)**

On February 7, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 12 cases and 36 bottles of Sparkling White Seal, remaining unsold in part at Newark and in part at Orange, N. J., alleging that the article had been shipped by the Duffy-Mott Co., Inc., New York, N. Y., in part November 5 and in part November 8, 1920, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Sparkling \* \* \* White Seal Made By Duffy-Mott Co. Inc. New York."

Adulteration of the article was alleged in the libels for the reason that a substance, to wit, artificially carbonated, sweetened, diluted apple juice, flavored with capsicum, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in whole or in part for champagne which the said article from its labeling and foil-covered wired cork and neck and general dress of the bottle purported to be. Adulteration was alleged for the further reason that an artificially carbonated, sweetened, diluted apple juice, flavored with capsicum, had been mixed with the article in a manner whereby damage and inferiority were concealed.

Misbranding was alleged in substance for the reason that the statement appearing on the bottles, regarding the article and the ingredients and substances contained therein, to wit, "Sparkling \* \* \* White Seal," together with the general appearance of the said bottles, to wit, foil-covered wired cork and neck, were false and misleading in that they represented that the article was a well-known brand of champagne, containing an alcoholic content, to wit, White Seal, made by Moët & Chandon in France, and for the further reason that the said statement and the pictorial representation of symbolic royal lions deceived and misled the purchaser into the belief that the article was an imported alcoholic liquor, whereas, in truth and in fact, it was not but was a product composed of artificially carbonated, sweetened, diluted apple juice, flavored with capsicum. Misbranding was alleged for the further reason that the article was a product composed of artificially carbonated, sweetened, diluted apple juice, flavored with capsicum, prepared in imitation of champagne and offered for sale under the distinctive name of another article, to wit, White Seal, a champagne made in France.

On June 23, 1923, the claim and answer previously entered by the Duffy-Mott Co., claimant, having been withdrawn, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11563. Adulteration of coal-tar color. U. S. v. 3 Cans of Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14631. I. S. No. 2332-t. S. No. E-3177.)**

On March 19, 1921, the United States attorney for the Western District of North Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 cans of coal-tar color at Statesville, N. C., alleging that the article had been shipped by the W. B. Wood Mfg. Co., St. Louis, Mo., February 25, 1921, and transported from the State of Missouri into the State of North Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "1 Lb. Net Manufacturing Chemists W. B. Wood Mfg. Co. \* \* \* Warranted Complies With All Requirements Quality Color \* \* \* Number 810 Contents Yellow."

Adulteration of the article was alleged in the libel for the reason that salt and sulphates had been mixed and packed with and substituted wholly or in part for the article. Adulteration was alleged for the further reason that the article contained an added poisoned [poisonous] or deleterious ingredient, arsenic, which rendered it injurious to health.

On April 27, 1921, no claimant having appeared for the property, judgment of the court was entered ordering that the product be condemned and destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11564. Misbranding of Egyptian regulator tea. U. S. v. 3 Dozen Packages of Egyptian Regulator Tea. Decree of condemnation, forfeiture, and destruction. (F. & D. No. 14638. S. No. E-3187.)**

On March 18, 1921, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 dozen packages of Egyptian regulator tea, remaining in the original unbroken packages at Columbia, S. C., alleging that the article had been shipped by the Kells Co., Newburgh, N. Y., on or about August 9, 1920, and transported from the State of New York into the State of South Carolina, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (White circular) "Egyptian Regulator Tea \* \* \* A Speedy and Positive relief for \* \* \* Dyspepsia, Liver Complaint, Sick Headache, Nervousness \* \* \* Nature's Own Gift To Dyspeptic, Debilitated Men, to Wornout, Nervous Women, to Mothers of Peevish and Sickly Children, to Girls Just Budding into Womanhood, to Sufferers from Defective Nutrition and Blood Diseases, to Corpulent People, whether Male or Female, Old or Young. \* \* \* Rheumatism, Neuralgia, Sick Headache, pains in all parts of the body, Running Sores, Pimples, Boils, Carbuncles and Skin Diseases. \* \* \* Lung Trouble and Consumption. Premature Old Age, Lack of Youthful Energy, Beauty and Vigor, Sallow Complexion and Haggard, Careworn Look \* \* \* diabetes \* \* \* Malaria \* \* \* killing the Disease Germs \* \* \* Heart Troubles, Paralysis, Rheumatism,



Gout \* \* \* apoplexy;" (blue wrapper) "Egyptian Regulator Tea A Remedy For \* \* \* Dyspepsia, Sick Headache, and all Disorders of the Stomach. Its daily use will Purify the Blood, Remove all Blisters from the Face, and Restore the Complexion. Ladies will find this a valuable remedy for all Female Complaints. Also for Liver and Kidney trouble. \* \* \* An Excellent Remedy for \* \* \* Dyspepsia, \* \* \* Rheumatism, Nervousness, Liver Complaints, Sick Headache, Also Corpulency, Etc."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of compressed herbs, including senna, coriander, dog grass, licorice root, ginger, sambucus, cinnamon, and dandelion root.

Misbranding of the article was alleged in substance in the libel for the reason that the above-quoted statements appearing in the said circulars and wrappers, regarding the curative and therapeutic effects of the said article, were false and fraudulent and were made knowingly and in wanton disregard of their truth or falsity and with the intent to deceive purchasers thereof.

On May 19, 1923, no claimant having appeared for the property, and a jury having been impaneled and a verdict having been rendered for the Government, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11565. Adulteration and misbranding of tomato catsup. U. S. v. Harold N. Weller (H. N. Weller & Co.). Plea of guilty. Fine, \$50. (F. & D. No. 14752. I. S. Nos. 9710-r, 9951-r.)**

On June 25, 1921, the United States attorney for the Eastern District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Harold N. Weller, trading as H. N. Weller & Co., Richmond, Mich., alleging shipment by said defendant, in violation of the Food and Drugs Act, in two consignments, namely, on or about October 13, 1919, and February 13, 1920, respectively, from the State of Michigan into the States of Missouri and Indiana, respectively, of quantities of tomato catsup which was adulterated and misbranded. A portion of the article was labeled in part: "Perfection Brand Tomato Catsup \* \* \* Packed By H. N. Weller & Co. Toledo, O." The remainder of the said article was labeled in part: "Catsup Manufactured From Tomatoes, Onions, Sp'ces, Granulated Sugar And Vinegar \* \* \* H. N. Weller & Co., Richmond, Mich."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that a portion of the product contained coal-tar dye and the remainder thereof contained coal-tar dye and glucose.

Adulteration was alleged in the information with respect to a portion of the article for the reason that a substance, to wit, a coal-tar dye, had been substituted in part for tomato catsup which the said article purported to be. Adulteration was alleged with respect to the remainder of the article for the reason that substances, to wit, glucose and coal-tar dye, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for catsup which the article purported to be. Adulteration was alleged with respect to all of the said product for the reason that it was an article inferior to tomato catsup, or catsup, as the case might be, and a portion of the said article contained glucose, and all of the said article was artificially colored with a certain coal-tar dye, to wit, Ponceau 3R, so as to simulate the appearance of catsup and in a manner whereby its inferiority to catsup was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Not Artificially Colored," borne on the labels attached to the jars containing a portion of the article, and the statement, to wit, "Catsup," borne on the labels attached to the bottles containing the remainder, regarding the article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the former was not artificially colored and that the latter was composed wholly of catsup, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the former was not artificially colored and that the latter was composed wholly of catsup, whereas, in truth and in fact, the former was artificially colored and the latter was not composed wholly

of catsup, but was composed in part of glucose and coal-tar dye, not normal ingredients of catsup.

On June 14, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11566. Adulteration of tomato catsup. U. S. v. 22 Cases and 4½ Cases of Tomato Catsup. Consent decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 14891, 14892. I. S. Nos. 7547-t, 7549-t. S. No. E-3328.)

On May 5 and 27, 1921, respectively, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 26½ cases of tomato catsup; remaining in the original unbroken packages at Newark, N. J., alleging that the article had been shipped by the Paul DeLaney Co., Inc., Brocton, N. Y., in part November 12, 1920, and in part March 2, 1921, and transported from the State of New York into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "American Maid Brand Tomato Catsup \* \* \* Guaranteed by The Paul DeLaney Co. Inc. Brocton, N. Y."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On June 25, 1923, the claim and answer previously entered by the Paul DeLaney Co., Inc., claimant, having been withdrawn, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11567. Adulteration and misbranding of barley feed. U. S. v. Menomonie Milling Co., a Corporation. Plea of guilty. Fine, \$50.** (F. & D. No. 14994. I. S. No. 11933-t.)

On July 26, 1922, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Menomonie Milling Co., a corporation, Menomonie, Wis., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 31, 1920, from the State of Wisconsin into the State of Michigan, of a quantity of barley feed which was adulterated and misbranded. The article was labeled in part: (Tag) "100 lbs. Net Barley Feed Manufactured By Menomonie Milling Co. Menomonie, Wisconsin."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that it was barley feed containing screenings.

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, screenings, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for barley feed which the said article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Barley Feed," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, was false and misleading in that the said statement represented that the article consisted wholly of barley feed, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of barley feed, whereas, in truth and in fact, it did not consist wholly of barley feed but did consist in part of screenings.

On November 9, 1922, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11568. Adulteration and misbranding of table oil. U. S. v. 12 Cans of Table Oil. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 15344. I. S. No. 15419-t. S. No. E-3516.)

On July 29, 1921, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 cans of table oil, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by the



Caserta Importing Co., from New York, N. Y., on or about July 13, 1921, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Finest Quality Table Oil \* \* \* Tipo Termini Imerese," (in small type) "Cottonseed Oil Slightly Flavored With Olive Oil."

Adulteration of the article was alleged in the libel for the reason that cottonseed oil had been mixed and packed with and substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the label of the can containing the article, to wit, "Finest Quality Table Oil \* \* \* Tipo Termini Imerese," together with a cut of scene showing olive tree and olive pickers, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the statement on the said label, "1 Gallon Net," was false and misleading and deceived and misled the purchaser, since the said cans did not contain 1 gallon of the article but did contain less than 1 gallon. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 19, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the labels on the said cans be obliterated and the product sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11569. Misbranding of cottonseed meal. U. S. v. United Oil Mills, a Corporation. Plea of guilty. Fine, \$25 and costs. (F. & D. No. 15847, I. S. No. 13402-t.)**

On May 2, 1922, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the United Oil Mills, a corporation, trading at Ashdown, Ark., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about October 27, 1920, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Good Luck Brand \* \* \* Cotton Seed Meal \* \* \* 100 Pounds."

Examination of 40 sacks of the product by the Bureau of Chemistry of this department showed that the average net weight of the said sacks was 86 1/4 pounds.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "100 Pounds," borne on the tags attached to the sacks containing the article, regarding the quantity of the article contained in each of the said sacks, was false and misleading in that the said statement represented that each of said sacks contained 100 pounds of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said sacks contained 100 pounds of the article, whereas, in truth and in fact, each of said sacks did not contain 100 pounds of the article but did contain a less quantity. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "100 Pounds," was not plain and represented more than the actual contents of the package.

On May 16, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11570. Adulteration of shell eggs. U. S. v. Lonzo Caldemeyer (Elkhart Poultry & Egg Co.). Plea of guilty. Fine, \$10 and costs. (F. & D. No. 16011, I. S. No. 10843-t.)**

On April 11, 1922, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lonzo Caldemeyer, trading as the Elkhart Poultry & Egg Co., Hugoton, Kans., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 29, 1921, from the State of Kansas into the State of Colorado, of a quantity of shell

eggs which were adulterated. The article was labeled in part: "From The Elkhart Poultry & Egg Co. Hugoton, Kansas."

Examination by the Bureau of Chemistry of this department of 1,080 eggs from the consignment showed that 70, or 6.5 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed animal substance.

On September 28, 1922, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11571. Adulteration of shell eggs. U. S. v. Loren L. Spencer and Louis B. Spencer (Spencer Bros.). Pleas of guilty. Fine, \$2. (F. & D. No. 16016. I. S. No. 11004-t.)**

On July 5, 1922, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Loren L. Spencer and Louis B. Spencer, copartners, trading as Spencer Bros., Wallace, Nebr., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 1, 1921, from the State of Nebraska into the State of Colorado, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Spencer Bros. Wallace Nebr."

Examination by the Bureau of Chemistry of this department of 900 eggs from the consignment showed that 102, or 11.3 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy and decomposed and putrid animal substance.

On June 11, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$2.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11572. Adulteration of tomato sauce. U. S. v. 9 Cases of Tomato Sauce. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16084. I. S. No. 15524-t. S. No. E-3844.)**

On April 8, 1922, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cases of tomato sauce, remaining in the original unbroken packages at Scranton, Pa., alleging that the article had been shipped by S. Sedita, from Albion, N. Y., on or about December 29, 1921, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Mt. Etna Brand \* \* \* Concentrated Tomato \* \* \* Packed By Thomas Page Albion, N. Y., U. S. A."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On June 19, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11573. Adulteration of shell eggs. U. S. v. Dudley D. Green and John G. Thomason (Green & Thomason). Pleas of guilty. Fine, \$25 each and costs. (F. & D. No. 16206. I. S. No. 18203-t.)**

On July 24, 1922, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Dudley D. Green and John G. Thomason, copartners, trading as Green & Thomason, Camargo, Okla., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about August 15, 1921, from the State of Oklahoma into the State of Texas, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From Green & Thomason, Camargo, Okla."



Examination by the Bureau of Chemistry of this department of 540 eggs from the consignment showed that 278, or 51.4 per cent of those examined, were inedible eggs, consisting of mixed or white rots, spot rots, blood rings, blood rots, and chick rots.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On November 24, 1922, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25 each and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11574. Misbranding of tomatoes. U. S. v. George A. Arts. Plea of guilty. Fine, \$100. (F. & D. No. 16209. I. S. No. 2356-t.)**

On May 15, 1922, the United States attorney for the Southern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against George A. Arts, Mission, Tex., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about June 2, 1922, from the State of Texas into the State of Missouri, of a quantity of tomatoes in crates which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On May 14, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11575. Misbranding of potatoes. U. S. v. James L. Leonard, Walter B. Crosset, and George B. Riley, Copartners (Leonard, Crosset & Riley). Plea of guilty. Fine, \$50. (F. & D. No. 16226. I. S. No. 5932-t.)**

On January 6, 1923, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James L. Leonard, Walter B. Crosset, and George B. Riley, copartners, trading as Leonard, Crosset & Riley, Greenville, Mich., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about January 12, 1921, from the State of Michigan into the State of Pennsylvania, of a quantity of potatoes which were misbranded.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 6, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11576. Adulteration of butter. U. S. v. Dakota Creamery Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 16241. I. S. No. 11007-t.)**

On March 27, 1923, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Dakota Creamery Co., a corporation, Deadwood, S. Dak., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 4, 1922, from the State of South Dakota into the State of Wyoming, of a quantity of butter which was adulterated.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was high in moisture and low in milk fat.

Adulteration of the article was alleged in the information for the reason that a product containing an excessive proportion of moisture and deficient in milk fat had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for butter which the said article purported to be.

On May 23, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11577. Misbranding of codfish. U. S. v. Leonard A. Treat. Plea of nolo contendere. Fine, \$25.** (F. & D. No. 16246. I. S. No. 6705-t.)

On June 23, 1922, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Leonard A. Treat, East Boston, Mass., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about June 4, 1921, from the State of Massachusetts into the State of New York, of a quantity of codfish which was misbranded. The article was labeled in part: (Retail package) "Weight One Pound Net When Packed All-Cod Brand Pure Codfish All Bones Out Leonard A. Treat, Boston, Mass."

Examination by the Bureau of Chemistry of this department of 72 packages of the article showed an average shortage in weight of approximately 5.4 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Weight One Pound Net When Packed," borne on the retail packages containing the article, regarding the net quantity of the article contained in the said packages, was false and misleading in that the said statement represented that the said packages each contained 1 pound net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of the said article, whereas, in truth and in fact, the said retail packages did not each contain 1 pound net of the said article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "Weight One Pound Net When Packed," was indefinite and incorrect in that the quantity of the contents of the package was less than 1 pound net when shipped.

On March 20, 1923, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11578. Adulteration of Vienna style sausage. U. S. v. 190 Cases of Delicia Vienna Style Sausage. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16293. I. S. No. 3293-t. S. No. C-3618.)

On May 8, 1922, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 190 cases of Delicia Vienna style sausage, consigned in part February 15 and in part March 2, 1922, remaining in the original unbroken packages at Montgomery, Ala., alleging that the article had been shipped by the Thomas Canning Co., from Grand Rapids, Mich., and transported from the State of Michigan into the State of Alabama, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Case) "Delicia Food Products Baker Packing Company Chicago \* \* \* Vienna Style Sausage Order Thomas Canning Co., Montgomery, Ala.;" (can) "Delicia \* \* \* Vienna Style Sausage Baker Packing Company Chicago."

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On May 29, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11579. Adulteration and misbranding of salad oil. U. S. v. 24 Half-Gallon Cans and 12 Gallon Cans of Salad Oil. Default decree of condemnation, forfeiture, and sale.** (F. & D. No. 16356. I. S. Nos. 15956-t, 15957-t. S. No. E-3859.)

On April 26, 1922, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 24 half-gallon cans and 12 gallon cans of salad oil, remaining in the original unbroken packages at Pittston, Pa., alleging that the article had been shipped by the Southern Importing Co., New York, N. Y., on or about March 11, 1922, and transported from the State of New York into the State of



Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Finest Quality Table Oil \* \* \* Tipo Termini Imerese Cottonseed Oil Slightly Flavored With Olive Oil 1 1/2 Gallon Net" (or "1 Gallon Net").

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted wholly or in part for the said salad oil. Adulteration was alleged for the reason that the article had been mixed in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the labels of the cans containing the article bore the statement, regarding the said article and the ingredients and substances contained therein, to wit, "Finest Quality Table Oil \* \* \* Tipo Termini Imerese \* \* \* 1/2 Gallon Net" or "1 Gallon Net," as the case might be, together with a design and device of an olive picking scene, which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package inasmuch as the statements set forth on the said packages were not correct as to the quantity of the contents thereof.

On June 19, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the labels on the said cans be obliterated and the product sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11580. Adulteration and misbranding of butter. U. S. v. Soren Sorensen (Kimball Creamery). Plea of guilty. Fine, \$3. (F. & D. No. 16406. I. S. No. 14112-t.)**

On September 7, 1922, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Soren Sorensen, trading as the Kimball Creamery, Kimball, Nebr., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about January 31, 1922, from the State of Nebraska into the State of Wyoming, of a quantity of butter which was adulterated and misbranded. The article was labeled in part: "Pure Creamery \* \* \* Butter Kimball Brand \* \* \* Kimball Creamery Kimball, Neb."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was high in moisture and low in butterfat. Examination by said bureau showed that the average weight of 30 prints was 15.81 ounces.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for butter which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Butter" and "One Pound Net," borne on the packages containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article consisted wholly of butter and that each of the said packages contained 1 pound net of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter and that each of the said packages contained 1 pound net of the said article, whereas, in truth and in fact, it did not consist wholly of butter but did consist in part of excessive water, and each of the said packages did not contain 1 pound net of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 11, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$3.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11581. Adulteration and misbranding of butter. U. S. v. Homestead Creamery Co., a Corporation. Plea of guilty. Fine, \$6. (F. & D. No. 16407. I. S. Nos. 14123-t, 14124-t.)**

On November 1, 1922, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Homestead Creamery Co., a corporation, Mitchell, Nebr., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about February 2, 1922, from the State of Nebraska into the State of Wyoming, of quantities of butter which was adulterated and misbranded. A portion of the article was labeled in part: "Platte Valley Gold Creamery Butter Guaranteed Pure And Sweet Manufactured By The Homestead Creamery Mitchell, One Pound Net Nebraska." The remainder of the said article was unlabeled.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was high in moisture and low in milk fat. Examination by said bureau of 100 prints from the portion of the article labeled "One Pound Net" showed an average net weight of 15.34 ounces.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for butter which the said article purported to be. Adulteration was alleged with respect to a portion of the article for the further reason that a valuable constituent thereof, to wit, milk fat, had been in part abstracted.

Misbranding was alleged with respect to the unlabeled portion of the product for the reason that it was a product deficient in milk fat, which contained an excessive amount of water, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, butter. Misbranding was alleged with respect to the labeled portion of the said product for the reason that the statement, "One Pound Net," borne on the packages containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the packages contained 1 pound net of the said article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of the article, whereas, in truth and in fact, each of said packages did not contain 1 pound net of the article, but did contain a less amount. Misbranding was alleged with respect to both lots of the said article for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 11, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$6.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11582. Adulteration of chloroform. U. S. v. 178 Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 16438, 16439. S. No. E-3967.)**

On or about June 22, 1922, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 178 tins of chloroform, in part at Greer, S. C., and in part at Greenville, S. C., alleging that the article had been shipped from New York, N. Y., on or about March 27, 1922, and transported from the State of New York into the State of South Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform for Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained hydrochloric acid, free chlorin, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation.

On October 23, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*



**11583. Adulteration of chloroform. U. S. v. 96 Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16440. S. No. E-3968.)**

On June 21, 1922, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 96 tins of chloroform, remaining in the original unbroken packages at Harrisburg, Pa., alleging that the article had been shipped from New York, N. Y., on or about May 17, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform for Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained hydrochloric acid, impurities decomposable by sulphuric acid, odorous decomposition products, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name, to wit, chloroform, which is recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of the investigation.

On August 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11584. Adulteration of chloroform. U. S. v. 182 ¼-Pound Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16606. S. No. E-4042.)**

On July 11, 1922, the United States attorney for the Northern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 182 ¼-pound tins of chloroform, remaining unsold in the original unbroken packages at Binghamton, N. Y., alleging that the article had been shipped from Philadelphia, Pa., in various consignments, namely, December 16 and 21, 1921, and January 5, 12, 13, 14, and 21, 1922, respectively, and transported from the State of Pennsylvania into the State of New York, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform for Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor, and it contained hydrochloric acid, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation, and the standard of strength, quality, and purity of the said article was not declared on the containers thereof.

On October 9, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11585. Adulteration of chloroform. U. S. v. 35 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16632. S. No. E-4058.)**

On or about July 15, 1922, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 cans of chloroform at Abbeville, S. C., alleging that the article had been shipped from New York, N. Y., on or about May 20, 1922, and transported from the State of New York into the State of South Carolina, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform for Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid, upon evaporation it left a foreign odor,

and it contained chlorids, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said Pharmacopœia, official at the time of investigation.

On November 15, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11586. Adulteration of canned salmon. U. S. v. 98 Cases and 150 Cases of Amelia Brand Chum Salmon. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16771, 16772. S. No. C-3783.)**

On August 24, 1922, the United States attorney for the Middle District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 248 cases of Amelia brand chum salmon, remaining in the original packages at Montgomery, Ala., alleging that the article had been shipped by P. E. Harris & Co., from Seattle, Wash., December 30, 1921, and transported from the State of Washington into the State of Alabama, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "Amelia Brand Chum Salmon."

Adulteration of the article was alleged in the libels for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid animal substance.

On May 29, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11587. Adulteration and misbranding of Kumfort crystals, grape flavor. U. S. v. 36 Packages of Grape Flavor. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16796. I. S. No. 3059-v. S. No. E-4154.)**

On September 1, 1922, the United States attorney for the Western District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 36 packages of grape flavor at Anderson, S. C., consigned in part on or about June 8 and in part on or about June 30, 1922, alleging that the article had been shipped by W. B. Nethery, Elberton, Ga., and transported from the State of Georgia into the State of South Carolina, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "This Box Contains Six Ounces \* \* \* Kumfort Crystals Grape Flavor \* \* \* A Chemical Compound Scientifically Prepared by \* \* \* W. B. Nethery, Ph. G \* \* \* These Crystals are made from fruit products."

Adulteration of the article was alleged in the libel for the reason that substances, to wit, saccharin and artificial grape flavor, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was mixed and colored in a manner whereby inferiority was concealed, and for the further reason that it contained an added poisonous and deleterious ingredient, to wit, saccharin, which might render the said article injurious to health.

Misbranding was alleged for the reason that the statements appearing on the box containing the article, to wit, "Kumfort Crystals Grape Flavor," and on the bottle cap, "Grape," were false and misleading and deceived and misled purchasers. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On October 26, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*



**11588. Adulteration of shell eggs. U. S. v. Tom Jackson. Plea of guilty. Fine, \$50. (F. & D. No. 16929. I. S. No. 1106-v.)**

On February 3, 1923, the United States attorney for the Northern District of West Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Tom Jackson, trading at Pennsboro, W. Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 24, 1922, from the State of West Virginia into the State of Maryland, of a quantity of eggs which were adulterated. The article was labeled in part: "From Tom Jackson, General Merchandise Pullman, W. Va."

Examination by the Bureau of Chemistry of this department of 1,080 eggs from the consignment showed that 291, or 26.9 per cent of the total examined, were inedible eggs, consisting of black rots, mixed rots, moldy eggs, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On May 22, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11589. Misbranding of potatoes. U. S. v. American Fruit Growers, Inc., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 16932. I. S. Nos. 9342-t, 9343-t, 9344-t.)**

On January 16, 1923, the United States attorney for the Eastern District of South Carolina, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the American Fruit Growers, Inc., a corporation, Charleston, S. C., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about May 26, 1922, from the State of South Carolina into the State of Pennsylvania, of quantities of potatoes which were misbranded. A portion of the article was labeled in part: "American Fruit Growers (A F G) Hilton Charleston, S. C." The remainder of the article was labeled in part: "No. 1 (A F G)."

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 18, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11590. Adulteration and misbranding of canned clams. U. S. v. 12 Cases of Canned Clams. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17016. I. S. No. 50-v. S. No. E-4238.)**

On December 7, 1922, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 12 cases of canned clams, remaining unsold in the original unbroken packages at New Haven, Conn., alleging that the article had been shipped by the Andrew Kerr Co., Barnstable, Mass., on or about October 6, 1922, and transported from the State of Massachusetts into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Polo Brand \* \* \* Clams Contents 5 Oz. \* \* \* Clams."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with the said article so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that brine had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the labels on the cans containing the article bore the following statements, "Clams Contents 5 Oz. \* \* \* Clams," together with a design showing clams, which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 23, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11591. Adulteration and misbranding of vinegar. U. S. v. 80 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17036. I. S. No. 11036-v. S. No. C-2945.)**

On December 15, 1922, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 80 barrels of vinegar at Springfield, Ohio, consigned by the Powell Corp., Canandaigua, N. Y., on or about October 3, 1922, alleging that the article had been shipped from Canandaigua, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Barrel) "Pure Cider Vinegar Made From Apples Reduced To 4% Net Contents 52 Gals. Man'd By The Powell Corp. Canandaigua, N. Y."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar and evaporated apple products vinegar had been mixed and packed with and substituted wholly or in part for pure cider vinegar made from apples, which the said article purported to be.

Misbranding of the article was alleged for the reason that it was an imitation of and offered for sale under the distinctive name of another article.

On May 11, 1923, the Powell Corp., Canandaigua, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11592. Adulteration and misbranding of chocolate. U. S. v. 216 Pounds, et al., of Chocolate. Consent decree of condemnation and forfeiture. Product delivered to charitable institution. (F. & D. No. 17044. I. S. Nos. 1020-v, 1021-v, 1022-v. S. No. E-4245.)**

On December 19, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 320 pounds of chocolate, consigned November 9, 1922, remaining in the original unbroken packages at Baltimore, Md., alleging that the article had been shipped by William H. Baker, Inc., from New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Justice Brand Premium No. 1 Chocolate Net Weight 1/5 Lb." (or "1/2 Lb." or "1/4 Lb.") " \* \* \* William H. Baker \* \* \* Incorporated \* \* \* N. Y. City."

Adulteration of the article was alleged in the libel for the reason that a substance containing excessive shells had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the statement on the label of the packages containing the article, "Premium No. 1 Chocolate," was false and misleading and deceived and misled the purchaser.

On March 14, 1923, William H. Baker, Inc., New York, N. Y., claimant, having denied the allegations of the libel but having assented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to a charitable institution.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11593. Adulteration and misbranding of cream of chocolate. U. S. v. Cream of Chocolate Co., a Corporation. Plea of nolo contendere. Fine, \$10. (F. & D. No. 17063. I. S. Nos. 5055-t, 5605-t.)**

On March 22, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District



Court of the United States for said district an information against the Cream of Chocolate Co., a Corporation, Malden, Mass., alleging shipment by said company, in violation of the Food and Drugs Act, in two consignments, namely, on or about March 4 and 25, 1921, respectively, from the State of Massachusetts into the States of Maine and Rhode Island, respectively, of quantities of cream of chocolate which was adulterated and misbranded. The article was labeled in part: "Cream of Chocolate Pure \* \* \* Cream of Chocolate Co. Danvers, Mass."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a mixture of milk powder, sugar, and cocoa.

Adulteration of the article was alleged in the information for the reason that a mixture made in part from milk powder had been substituted for a product made in part from cream, which the article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Cream of Chocolate Pure \* \* \* Needs No Cream \* \* \* Made of Cocoa, Cream and Sugar Cream of Chocolate Co. \* \* \* This preparation is made in strict compliance with all pure food laws \* \* \* Guaranteed Pure," borne on the labels attached to the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the said article was pure cream of chocolate made in part from cream, that it conformed with, to wit, the Food and Drugs Act of June 30, 1906, and that it was an article produced by a company engaged solely in the manufacture of an article made in part from cream, to wit, cream of chocolate, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure cream of chocolate made in part from cream, that it conformed with, to wit, the Food and Drugs Act, and that it was an article produced by a company engaged solely in the manufacture of an article made in part from cream, to wit, cream of chocolate, whereas, in truth and in fact, it was not pure cream of chocolate made in part from cream but was a product made in part from powdered milk, which contained no cream, it did not conform with, to wit, the Food and Drugs Act, and it was not produced by a company engaged solely in the manufacture of an article made in part from cream, to wit, cream of chocolate.

On April 6, 1923, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$10.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11594. Adulteration and misbranding of canned clams. U. S. v. Henry S. Kane. Plea of nolo contendere. Fine, \$50. (F. & D. No. 17064. I. S. No. 6782-t.)**

On June 5, 1923, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry S. Kane, trading at Brooklin, Me., alleging shipment by said defendant, on or about April 23, 1922, in violation of the Food and Drugs Act, as amended, from the State of Maine into the State of New Hampshire, of a quantity of canned clams which were adulterated and misbranded. The article was labeled in part: "Pleasant River Brand \* \* \* Maine Clams Packed By H. S. Kane Brooklin and Addison, Maine. Contains 5 Ozs. Of Clams."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the product contained excessive brine and that the cans contained less of the said article than declared on the labels.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, excessive brine, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for clams which the article purported to be.

Misbranding was alleged for the reason that the statement, to wit, "Clams \* \* \* Contains 5 Ozs. Of Clams," borne on the labels attached to the cans containing the article, regarding the said article, was false and misleading in that the said statement represented that the article consisted wholly of clams and that each of the said cans contained 5 ounces of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of clams and that each of the said cans contained 5 ounces of the article, whereas, in truth and in fact, it did not consist wholly of clams but did consist in part of excessive brine, and each of said cans did not contain 5 ounces of the article but

did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 11, 1923, the defendant entered a plea of *nolo contendere* to the information, and the court imposed a fine of \$50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11595. Adulteration of shell eggs. U. S. v. Albert M. Kelly. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 17077. I. S. No. 5807-v.)**

On March 9, 1923, the United States attorney for the Western District of Oklahoma, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Albert M. Kelly, Eakly, Okla., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about August 2, 1922, from the State of Oklahoma into the State of Texas, of a quantity of eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 720 eggs from the consignment showed that 672, or 93 per cent of those examined, were inedible eggs, consisting of black rots, mixed or white rots, spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On June 11, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11596. Adulteration of shell eggs. U. S. v. Jacob B. Robinette (Robinette Produce Co.). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 17078. I. S. No. 1003-v.)**

On February 28, 1923, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Jacob B. Robinette, trading as Robinette Produce Co., Duffield, Va., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about July 29, 1922, from the State of Virginia into the State of Maryland, of a quantity of shell eggs which were adulterated.

Examination by the Bureau of Chemistry of this department of 1,392 eggs from the consignment showed that 15.1 per cent of those examined were totally inedible, consisting of black rots, mixed or white rots, spot rots, and heavy blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On May 21, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11597. Misbranding of canned blueberries. U. S. v. Henry S. Kane. Plea of *nolo contendere*. Fine, \$50. (F. & D. No. 17145. I. S. No. 3905-v.)**

On June 5, 1923, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry S. Kane, trading at Addison, Me., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, on or about August 19, 1922, from the State of Maine into the State of Illinois, of a quantity of canned blueberries which were misbranded. The article was labeled in part: "Canned Goods \* \* \* Net Weight 6 Lbs. 12 Oz. Genesee Brand Blueberries."

Examination of three cans of the product by the Bureau of Chemistry of this department showed an average shortage in weight of 4.6 ounces, or 4.2 per cent.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Weight 6 Lbs. 12 Oz.," borne on the cans containing the article, regarding the said article, was false and misleading in that the said statement represented that each of the said cans contained 6 pounds 12 ounces net weight of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 6 pounds 12 ounces net weight of the article, whereas, in truth and in fact, each of said cans did not



contain 6 pounds 12 ounces of the article but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 11, 1923, the defendant entered a plea of *nolo contendere* to the information, and the court imposed a fine of \$50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11598. Misbranding and alleged adulteration of minced clams. U. S. v. 25 Cases of Minced Clams. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17220. I. S. No. 8273-v. S. No. W-1305.)**

On February 1, 1923, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 25 cases of minced clams, remaining unsold in the original unbroken packages at St. Maries, Idaho, alleging that the article had been shipped by the G. Batcheller Hall Co., Seattle, Wash., on or about November 1, 1922, and transported from the State of Washington into the State of Idaho, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Far-North Ocean Clams (Minced) \* \* \* 10 Oz. Net Contents \* \* \* Packed By Polar Fisheries Co. Alaska Main Office: Seattle, Wash."

Adulteration of the article was alleged in the libel for the reason that excessive brine or liquor had been mixed and packed with the said article so as to reduce, lower, and injuriously affect its quality or strength and had been substituted wholly or in part for the article.

Misbranding was alleged for the reason that the statement, "Clams (Minced)," was false and misleading and deceived and misled purchasers thereof.

On June 2, 1923, the Newton-Reinhardt Co., St. Maries, Idaho, having appeared as claimant for the property and having admitted that the said cans contained 1½ ounces less of clam meat than the capacity thereof, a decree of the court was entered adjudging the product to be misbranded and subject to condemnation and forfeiture, and it was ordered by the court that the product be released to the said claimant upon the execution of a bond in the sum of \$200, in conformity with section 10 of the act, conditioned in part that the cans be rebranded to show the correct weight of the clam meat contained therein and that the claimant pay the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11599. Misbranding and alleged adulteration of canned oysters. U. S. v. 18 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17478. I. S. No. 4552-v. S. No. C-3968.)**

On April 24, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 18 cases of oysters at Cincinnati, Ohio, consigned by the St. Michaels Packing Co., St. Michaels, Md., March 20, 1923, alleging that the article had been shipped from St. Michaels, Md., and transported from the State of Maryland into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Sure-Go Brand Cove Oysters \* \* \* Packed By The St. Michaels Packing Co. St. Michaels, Md. Contents Weigh 5 Oz."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed with and substituted wholly or in part for oysters.

Misbranding was alleged for the reason that the statements appearing in the labels, "Cove Oysters \* \* \* Contents Weigh 5 Oz.," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 18, 1923, the J. C. Kerr Co., Cincinnati, Ohio, claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of the court was entered finding the product to be misbranded and ordering its condemnation and forfeiture. It was further ordered by the court

that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act, conditioned in part that it be relabeled in a manner satisfactory to this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11600. Adulteration and misbranding of oil. U. S. v. Peter Campas and James Goltsoz (Campas & Co.). Pleas of guilty. Fine, \$500. (F. & D. No. 16958. I. S. Nos. 678-t, 13125-t, 15501-t, 15502-t, 15503-t, 15504-t.)**

On February 23, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Peter Campas and James Goltsoz, copartners, trading as Campas & Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about May 12, May 19, and October 27, 1921, respectively, from the State of New York into the States of Ohio, Illinois, and Pennsylvania, respectively, of quantities of oil which was adulterated and misbranded. The article was labeled in part, variously: (Cans) "Finest Quality Table Oil \* \* \* Termini Imerese Type Net Contents One Gallon," (in very small type in the extreme lower end of the can) "Cotton Seed Salad Oil Slightly Flavored With Olive Oil;" "La Bella Isola Brand \* \* \* Pure Cotton Seed And Olive Oil Net Contents One Gallon;" "Olio Puro La Vittoria Degli Alleati Brand \* \* \* Tripolitania Cirenaica Soya Bean Oil Flavored Slightly With Pure Olive Oil. Net Contents One Gallon;" "Olio Insuperabile Spagnolo Brand Tortosa Style Packed by Campas & Co. New York Net Contents One Gallon," (in small type in an inconspicuous place) "Cottonseed Oil Flavored With Olive Oil A Compound;" "Finest Quality Olive Oil Extra Pure \* \* \* Of Termini Imerese Italy Sicil a—Italia 1 Gallon Net Guaranteed Absolutely Pure."

Analyses of samples of the article by the Bureau of Chemistry of this department showed the following results: A portion of the "Finest Quality Table Oil" consisted chiefly of soya bean or corn oil with a small amount of cottonseed oil and little or no olive oil; the remainder consisted in large part of cottonseed oil; the cans examined showed an average shortage in volume of from 1.33 to 4.7 per cent. The La Bella Isola brand oil consisted chiefly, if not entirely, of cottonseed oil; the cans examined showed an average shortage in volume of from 5.5 to 5.7 per cent. The La Vittoria Degli Alleati brand oil consisted of cottonseed oil with little or no soya bean and olive oils; the cans examined showed an average shortage in volume of 5.2 per cent. The Spagnolo brand oil consisted chiefly, if not entirely, of cottonseed oil with little or no olive oil; the cans examined showed an average shortage of from 5.1 to 5.5 per cent. The "Finest Quality Olive Oil" contained cottonseed oil; the cans examined showed an average shortage in volume of 2.66 per cent.

Adulteration of a portion of the "Finest Quality Table Oil" was alleged in the information for the reason that oil or oils other than olive oil had been substituted in whole or in part for olive oil which the said article purported to be. Adulteration of the La Vittoria Degli Alleati brand oil was alleged for the reason that a substance, to wit, cottonseed oil, had been substituted in whole or in part for soya bean oil flavored slightly with pure olive oil, which the article purported to be. Adulteration of the remaining brands of the said oil was alleged for the reason that a substance, to wit, cottonseed oil, had been substituted in whole or in part for olive oil which the article purported to be.

Misbranding was alleged with respect to the various brands of the said oil for the reason that the statements, to wit, "Net Contents One Gallon," "Finest Quality Table Oil," "Termini Imerese Type," together with the design and device of an olive tree and natives gathering olives, borne on the cans containing the "Finest Quality Table Oil," the statements, to wit, "Net Contents One Gallon," "Olive Oil," "Sicilia," together with the design and device of a map of Sicily, borne on the cans containing the La Bella Isola brand oil, the statements, to wit, "Net Contents One Gallon," "Olio Puro," "Soya Bean Oil Flavored Slightly With Pure Olive Oil," together with the design and device of the map of Italy, Italian flag, shield, and crown, and the statements, "Tripolitania" and "Cirenaica," together with the design and device of an Italian soldier, borne on the cans containing the La Vittoria Degli Alleati brand oil, the statements, to wit, "Net Contents One Gallon," "Olio Insuperabile," "Spagnolo Brand," "Tortosa Style," "Superior Quality Guaranteed Absolutely



Pure," not corrected by the statement in inconspicuous type in an inconspicuous place, "Cottonseed Oil Flavored With Olive Oil A Compound," together with the design and device of an olive branch bearing olives, borne on the cans containing the Spagnolo brand oil, and the statements, to wit, "1 Gallon Net," "Finest Quality Olive Oil," "Extra Pure," "Of Termini Imerese Italy," "Sicilia—Italia," "Guaranteed Absolutely Pure," borne on the cans containing the "Finest Quality Olive Oil," regarding the said article and the ingredients and substances contained therein, were false and misleading in that they represented that the said article was, to wit, olive oil, or soya bean oil flavored slightly with olive oil, as the case might be, that the greater portion thereof was a foreign product, to wit, an olive oil produced in the kingdom of Italy, and that each of the said cans contained 1 gallon net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was, to wit, olive oil, or soya bean oil flavored slightly with olive oil, as the case might be, that the greater portion thereof was a foreign product, to wit, an article produced in the kingdom of Italy, and that each of the said cans contained 1 gallon net of the article, whereas, in truth and in fact, it was not, to wit, olive oil, or soya bean oil flavored slightly with olive oil, as the case might be, the greater portion of the said article was not a foreign product, to wit, an olive oil produced in the kingdom of Italy, but was a domestic product, to wit, an article produced in the United States of America, and each of the said cans did not contain 1 gallon net of the article but did contain a less amount. Misbranding was alleged with respect to the greater portion of the said article for the further reason that the statements, designs, and devices borne on the cans containing the article purported it to be a foreign product when not so. Misbranding was alleged with respect to the La Bella Isola brand oil and the "Finest Quality Olive Oil" for the further reason that it was a product composed in whole or in part of cottonseed oil, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, olive oil. Misbranding was alleged with respect to the Spagnolo brand oil for the further reason that the statement, to wit, "Cottonseed Oil Flavored with Olive Oil," borne on the cans containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that the said article was cottonseed oil flavored with olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was cottonseed oil flavored with olive oil, whereas, in truth and in fact, it was not cottonseed oil flavored with olive oil, but was a product which contained no olive oil. Misbranding was alleged with respect to all of the consignments of the article for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 25, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$500.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

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## United States Department of Agriculture.

### SERVICE AND REGULATORY ANNOUNCEMENTS.

#### BUREAU OF CHEMISTRY.

#### SUPPLEMENT.

N. J. 11601-11650.

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 10, 1923.]

#### NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

**11601. Adulteration and misbranding of vinegar. U. S. v. 29 Barrels of Vinegar. Consent decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 16993. I. S. No. 11034-v. S. No. C-2941.)

On November 24, 1922, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 29 barrels of vinegar at Newark, Ohio, consigned by the Powell Corp., Canandaigua, N. Y., on or about October 4, 1922, alleging that the article had been shipped from Canandaigua, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made From Apples Reduced To 4% \* \* \* Man'fd By The Powell Corp. Canandaigua, N. Y."

Adulteration of the article was alleged in the libel for the reason that distilled and evaporated apple products vinegar had been mixed and packed with and substituted wholly or in part for the article.

Misbranding of the article was alleged for the reason that the statement appearing on the labels of the said barrels, "Pure Cider Vinegar Made From Apples," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On April 30, 1923, the Powell Corp., Canandaigua, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the said product be relabeled in a form satisfactory to this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11602. Adulteration and misbranding of blue cohosh. U. S. v. 201 Pounds of Blue Cohosh. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 17088. I. S. No. 1023-v. S. No. E-4249.)

On December 27, 1922, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court

of the United States for said district a libel praying the seizure and condemnation of 201 pounds of blue cohosh, remaining in the original packages at Baltimore, Md., consigned on or about October 11, 1922, alleging that the article had been shipped by Arthur Stallman & Co., from New York, N. Y., and transported from the State of New York into the State of Maryland, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Barrel) "Blue Cohosh Rt \* \* \* From Arthur Stallm. & Co. New York."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of blue cohosh with earthy matter. The yield of ash was 11.95 per cent. (The National Formulary requires that blue cohosh yield not more than 6 per cent of ash.)

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the National Formulary and differed from the standard of strength, quality, and purity as determined by the test laid down in the National Formulary, official at the time of investigation, and its own standard of strength, quality, and purity was not plainly stated upon the containers thereof.

Misbranding of the article was alleged in the libel for the reason that the statement appearing on the said label, "Blue Cohosh," was false and misleading.

On or about March 12, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11603. Misbranding of olive oil. U. S. v. 60 Cans of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17118. I. S. Nos. 2088-v, 2089-v, 2090-v. S. No. E-4262.)**

On January 10, 1923, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 60 cans of olive oil, consisting of 33 pint cans, 21 quart cans, and 6 half-gallon cans, remaining in the original unbroken packages at Pittsburgh, Pa., alleging that the article had been shipped by the Armenian Importing Co., from New York, N. Y., September 26, 1922, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Prodotti Italiani Olio di Oliva Pure Olive Oil Sopraffino \* \* \* Italia Brand Trade Mark Lucca Toscana Italia Net Conts. 1/8 Gall." (or "Net Conts. 1/4 Gall." or "Net Contents 1/2 Gall.").

Misbranding of the article was alleged in substance in the libel for the reason that the statements appearing on the labels of the cans containing the said article, to wit, "1/8 Gall.," "1/4 Gall.," and "1/2 Gall.," as the case might be, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On April 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11604. Adulteration of dried figs. U. S. v. 32 Bags of Dried Figs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17339. I. S. No. 322-v. S. No. E-4324.)**

On March 12, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 32 bags of dried figs, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by D. H. Porter & Son, from San Francisco, Calif., on or about October 20, 1922, and transported from the State of California into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.



On May 16, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11605. Adulteration and misbranding of Grapico sirup. U. S. v. 69 Barrels of Grapico Sirup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17361. I. S. No. 6130-v. S. No. C-3927.)**

On or about March 14, 1923, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 69 barrels of Grapico sirup at Birmingham, Ala., alleging that the article had been shipped by J. Grossman's Sons, New Orleans, La., on or about January 10, 1923, and transported from the State of Louisiana into the State of Alabama, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Barrel) "Deliciously Refreshing Grapico Naturally Good Syrup \* \* \* J. Grossmans Sons. Mnfgs. New Orleans, La."

Adulteration of the article was alleged in the libel for the reason that an imitation product containing little or no grape had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that it had been colored and flavored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statements appearing in the labeling, "Grapico Naturally Good," were false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of another article.

On April 28, 1923, J. Grossman's Sons, New Orleans, La., claimants, having admitted the allegations of the libel and consented to the entry of a decree of condemnation and forfeiture and having executed a bond in the sum of \$4,000, in conformity with section 10 of the act, conditioned in part that the article be labeled as follows, "Imitation Grape Syrup Grapico Naturally Good Syrup. Contains Pure Grape Flavor, Artificial Flavor and Color. J. Grossman's Sons, Manufacturers, New Orleans, La.," it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11606. Adulteration of canned oysters. U. S. v. 75 Cases of Oysters. Decree for release of product under bond. (F. & D. No. 17398. I. S. No. 10356-v. S. No. C-4003.)**

On or about April 27, 1923, the United States attorney for the District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 75 cases, each containing 24 cans of oysters, remaining in the original unbroken packages at Seymour, Ind., alleging that the article had been shipped by J. Langrall & Bro., Inc., Baltimore, Md., on or about January 2, 1923, and transported from the State of Maryland into the State of Indiana, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Extra Heavy Select Cove Oysters Contents 5 Oz. Avd."

Adulteration of the article was alleged in the libel for the reason that a substance, namely, excessive brine, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for oysters.

On June 19, 1923, the John C. Groub Co., Seymour, Ind., claimant, having admitted the allegations of the libel, paid the costs of the proceedings, and tendered a bond in the sum of \$1,000, in conformity with section 10 of the act, conditioned in part that the said cans of oysters be relabeled, it was ordered by the court that the product be delivered to the said claimant.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11607. Misbranding of tomato paste. U. S. v. John S. Mitchell, Inc., a Corporation. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 17412. I. S. No. 3920-v.)**

At the May, 1923, term of the United States District Court, within and for the District of Indiana, the grand jurors of the United States for said district,

acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for the said district, returned in the district court aforesaid an indictment in two counts against John S. Mitchell, Inc., a corporation, Windfall, Ind., charging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about September 28, 1922, from the State of Indiana into the State of Illinois, of a quantity of tomato paste which was misbranded. The article was labeled in part: (Cans) "Concentrated Tomato Concentrato Di Pomodoro Trade Mark Liberty Bell \* \* \* Contents 12-Oz. Net."

Examination of a sample of the article by the Bureau of Chemistry of this department showed that the average net weight of 72 cans was 11.43 ounces.

Misbranding of the article was alleged in the indictment for the reason that the statement, to wit, "12-Oz. Net," borne on the cans containing the article, was false and misleading in that it represented that each of the said cans contained not less than 12 ounces net of the article, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained not less than 12 ounces thereof, whereas, in truth and in fact, each of said cans did contain less than 12 ounces net of the said article. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 29, 1923, a plea of guilty to the indictment was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11608. Adulteration of cocoa beans. U. S. v. 33 Bags of Cocoa Beans. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. No. 17443. I. S. No. 376-v. S. No. E-4348.)

On April 2, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 33 bags of cocoa beans, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by J. L. Villaneuva, from Port de Paix, Haiti, on or about February 24, 1913, and transported from a foreign country into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 16, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11609. Misbranding of Fernet De Vecchi. U. S. v. 23 Bottles, et al., of Fernet De Vecchi. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. Nos. 17482, 17483, 17484. S. Nos. E-4372, E-4379, E-4380.)

On May 2, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 121 bottles of Fernet De Vecchi, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Banfi Co., Inc., of New York, N. Y., alleging that the article had been shipped from New York, N. Y., in various consignments, namely, on or about December 2, 1922, and March 29 and April 4, 1923, respectively, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted essentially of 39.5 per cent of alcohol, 2.8 per cent of extractives from plant drugs including aloes, a small quantity of alkaloid, and water.

Misbranding of the article was alleged in substance in the libel for the reason that the bottle label and accompanying circular contained statements, designs, and devices, regarding the curative or therapeutic effects of the said article, to wit, (bottle and circular) "digestive \* \* \* antifebrile



\* \* \* anticholeraic \* \* \* recommended for people suffering from irritable nerves, lack of appetite, nausea, worms," (circular) "has the property of curing biliousness, giddiness and bad digestion," which were false and fraudulent in that the said article would not produce the curative or therapeutic effects which purchasers were led to expect by the said statements, designs, and devices, and which were applied to the article with a knowledge of their falsity for the purpose of defrauding purchasers thereof.

On May 21, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11610. Adulteration and misbranding of chloroform. U. S. v. 98 Cans and 109 Cans of Chloroform. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 16495, 16496. S. Nos. C-3670, C-3671.)**

On July 5, 1922, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 207 cans of chloroform, remaining unsold in the original unbroken packages, in part at Kenosha, Wis., and in part at Milwaukee, Wis., alleging that the article had been shipped in part March 2 and in part May 13, 1922, and transported from the State of New York into the State of Wisconsin, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform \* \* \* For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid instead of clear and it contained chlorinated decomposition compounds.

Adulteration of the article was alleged in the libels for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down by said Pharmacopœia, official at the time of investigation, and the standard of strength, quality, and purity of the article was not plainly stated upon the container thereof.

Misbranding was alleged for the reason that the labels on the cartons and cans containing the article bore misleading statements as to the purity of the said article.

On September 30, 1922, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11611. Adulteration of chloroform. U. S. v. 49 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16577. S. No. E-4021.)**

On July 3, 1922, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 49 cans of chloroform, remaining in the original unbroken packages at Pittston, Pa., alleging that the article had been shipped by E. R. Squibb & Sons, from New York, N. Y., on or about May 8, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Poison  $\frac{1}{2}$  Pound Chloroform. Squibb For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained chlorid, impurities decomposable by sulphuric acid, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of the investigation.

On September 12, 1922, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11612. Adulteration of oysters. U. S. v. Leib Packing Co., a Corporation. Plea of guilty. Fine, \$1 and costs. (F. & D. No. 16960. I. S. Nos. 4938-t, 4939-t.)**

On March 23, 1923, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Leib Packing Co., a corporation, Baltimore, Md., alleging shipment by said company, in violation of the Food and Drugs Act, in two consignments, namely, on or about November 7 and 13, 1921, respectively, from the State of Maryland into the State of Illinois, of quantities of oysters which were adulterated.

Examination of the article by the Bureau of Chemistry of this department showed the presence of added water.

Adulteration of the article was alleged in the information for the reason that a substance, to wit, water, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and had been substituted in part for oysters which the said article purported to be. Adulteration was alleged for the further reason that a valuable constituent of the article, to wit, oyster solids, had been in part abstracted.

On April 11, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$1 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11613. Misbranding of canned pickles. U. S. v. 10 Cases of Canned Pickles. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17030. I. S. No. 7886-v. S. No. W-1250.)**

On December 14, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 cases of canned pickles at Portland, Oreg., alleging that the article had been shipped by the California Conserving Co., San Francisco, Calif., October 28, 1922, and transported from the State of California into the State of Oregon, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Can) "The California Home Brand Sweet Mixed Pickles \* \* \* Packed By California Conserving Co. San Francisco, U. S. A. \* \* \* Total Contents 13 Oz.—Drained Contents 9 Oz."

Misbranding of the article was alleged in the libel for the reason that the statement, "Total Contents 13 Oz.—Drained Contents 9 Oz.," was false and misleading and deceived and misled the purchaser, since an examination of the product showed it to be short weight. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On January 9, 1923, the California Conserving Co., San Francisco, Calif., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$72, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11614. Adulteration and misbranding of canned oysters. U. S. v. 500 Cases and 1,000 Cases of Canned Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17151. I. S. Nos. 8256-v, 8257-v. S. No. W-1274.)**

On January 22, 1923, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 1,500 cases of canned oysters, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Dunbar-Dukate Co., from New Orleans, La., November 22, 1922, and transported from the State of Louisiana into the State of Oregon, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that excessive water or brine had been mixed and packed therewith so as to reduce and lower and injuriously affect the quality and strength of the said article



and had been substituted wholly or in part for normal oysters of good commercial quality.

Misbranding was alleged for the reason that the statements appearing on the respective labels, "5 Oz. Oysters" and "10 Oz. Oysters," were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On February 3, 1923, the Dunbar-Dukate Co., New Orleans, La., having appeared as claimant for the property and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$2,750, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11615. Adulteration of canned salmon. U. S. v. 117 Cases, et al., of Salmon. Consent decrees of condemnation and forfeiture. Product released for reshipment and reexamination under bond. (F. & D. Nos. 17169, 17230, 17231. I. S. Nos. 190-v, 254-v. S. Nos. E-4269, E-4301.)**

On January 16 and February 5, 1923, respectively, the United States attorney for the District of New Jersey, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 224 cases of salmon, in various lots at Hoboken, Jersey City, and Paterson, N. J., respectively, alleging that the article had been shipped by the Warren Packing Co., Portland, Oreg., in part on or about July 19 and in part on or about September 12, 1922, and transported from the State of Oregon into the State of New Jersey, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "A-1 \* \* \* Head Office Portland, Oregon Warren Brand Warren Packing Company, Distributors Cathlamet, Wash. Warrendale, Ore. Fancy Columbia River Blue Back \* \* \* Spring Catch Contents 8 Ounces Salmon."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 19, 1923, the Warren Packing Co., claimant, having admitted the allegations of the libels and consented to the entry of decrees of condemnation and forfeiture, it was ordered by the court that the product be delivered to the said claimant upon the execution of bonds in the aggregate sum of \$1,150, in conformity with section 10 of the act, conditioned in part that it be reshipped to the factory of the claimant at Portland, Oreg., to be reexamined and reconditioned under the supervision of this department, the bad portion destroyed and the good portion released to the claimant. It was further ordered by the court that, in the event the reconditioning did not result in the complete elimination of the objectionable salmon, the entire lot be destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11616. Adulteration of cocoa beans. U. S. v. 128 Bags of Cocoa Beans. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17404. I. S. No. 325-v. S. No. E-4338.)**

On March 27, 1923, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 128 bags of cocoa beans, remaining in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by Baasch & Romer Sucs., from Puerto Cabello, Venezuela, on or about February 24, 1923, and imported from a foreign country into the State of New York, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

On May 22, 1923, Habicht, Braun & Co., New York, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in

conformity with section 10 of the act, conditioned in part that it be used in the manufacture of cocoa butter.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11617. Adulteration and misbranding of canned clams. U. S. v. 100 Cases and 40 Cases of Minced Clams. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. Nos. 17462, 17467. I. S. Nos. 8376-v, 8377-v. S. Nos. W-1374, W-1375.)**

On April 20 and 21, 1923, respectively, the United States attorney for the District of Oregon, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 140 cases of minced clams, remaining in the original unbroken packages at Portland, Oreg., alleging that the article had been shipped by the Pioneer Packing Co., in part from Copalis and in part from Aberdeen, Wash., April 10, 1923, and transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Case) "48 No. 1/2 Sanitary Pioneer Brand Minced Sea Clams Packed by Pioneer Packing Co., Aberdeen, Washn. U. S. A."

Adulteration of the article was alleged in the libels for the reason that excessive brine or liquor had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for normal minced clams of good commercial quality.

Misbranding was alleged for the reason that the statement appearing in the labeling, "Minced \* \* \* Clams," was false and misleading and deceived and misled the purchaser.

On May 9, 1923, the Pioneer Packing Co. having appeared as claimant for the property and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of good and sufficient bonds, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11618. Adulteration and misbranding of oysters. U. S. v. 98 Cases of Oysters. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17479. I. S. No. 6429-v. S. No. C-3969.)**

On April 24, 1923, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 98 cases of oysters, remaining unsold in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by the St. Michaels Packing Co., St. Michaels, Md., on or about March 23, 1923, and transported from the State of Maryland into the State of Missouri, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Country Club Brand Quality Supreme \* \* \* Finest \* \* \* Oysters Contents 5 Oz."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed with and substituted wholly or in part for the said article.

Misbranding of the article was alleged for the reason that the statements, "Fine [Finest] \* \* \* Oysters Contents 5 Oz.," appearing in the labeling, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 5, 1923, the St. Michaels Packing Co., St. Michaels, Md., claimant, having admitted the allegations of the libel and consented to the entry of a decree for the condemnation of the product, and having filed a bond in the sum of \$1,000, conditioned in part that the product be relabeled, "Slack Filled. Contains 4½ Ozs. Oyster Meat. A can of this size should contain 5 Oz. Oyster Meat," it was ordered by the court that the said product be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*



**11619. Adulteration and misbranding of Grape-Smack. U. S. v. 44 Bottles, et al. of Grape-Smack. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 17510, 17511. I. S. Nos. 4210-v, 4217-v, 4218-v. S. Nos. C-3978, C-3979.)**

On May 15, 1923, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 44 quart bottles, 8 dozen 12-fluid-ounce bottles, and 2 dozen gallon bottles of Grape-Smack, remaining unsold in the original unbroken packages, in part at Milwaukee and in part at Sheboygan, Wis., alleging that the article had been shipped by the Smack Co., Chicago, Ill., in part March 24 and in part April 2, 1923, and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled variously, in part: "Net Contents One Quart \* \* \* Grape-Smack Flavored Concentrate Artificial Color and Flavor Directions \* \* \* Grape-Smack Syrup \* \* \* Grape-Smack beverage \* \* \* The Smack Company Sole Manufacturers Orleans St. At Erie, Chicago, Ill.;" "Net Contents 12 Fl. Oz. \* \* \* Grape-Smack Syrup;" "One Gallon \* \* \* Grape-Smack Syrup \* \* \* Directions Grape-Smack-Ginger Ale \* \* \* Sundae."

Adulteration of the article was alleged in the libels for the reason that an artificially colored and flavored imitation product had been mixed and packed with and substituted wholly or in part for the said article. Adulteration was alleged for the further reason that the article was colored in a manner whereby inferiority was concealed.

Misbranding was alleged in substance for the reason that the statements, "Grape-Smack Syrup," "Grape-Smack beverage," "Grape \* \* \* Sundae," "Grape-Smack-Ginger Ale," as the case might be, borne on the labels of the bottles containing the article, were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On June 30, 1923, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GOEE, *Acting Secretary of Agriculture.*

**11620. Adulteration and misbranding of West Baden spring water. U. S. v. West Baden Springs Co., a Corporation. Plea of guilty. Fine, \$200 and costs. (F. & D. No. 15066. I. S. Nos. 4401-t, 4402-t, 4403-t.)**

On April 8, 1922, the grand jurors of the United States, within and for the District of Indiana, acting upon a report by the Secretary of Agriculture, upon presentment by the United States attorney for said district, returned in the District Court of the United States for the district aforesaid an indictment against the West Baden Springs Co., a corporation, West Baden, Ind., charging shipment by said defendant, in violation of the Food and Drugs Act, as amended, in part on or about September 16 and in part on or about September 22, 1920, from the State of Indiana into the State of Ohio, of quantities of West Baden spring water which was adulterated and misbranded. A portion of the article was labeled in part: "West Baden Concentrated Spring Water \* \* \* West Baden Springs Co. West Baden, Ind. U. S. A." The remainder of the said article was labeled in part: "West Baden Springs Natural Water No. 3 Spring Ask Your Druggist For \* \* \* West Baden Sprudel Water \* \* \* Bottled At The Springs Only By The West Baden Springs Company. West Baden, Indiana."

Examination of samples of the article by the Bureau of Chemistry of this department showed that it contained decomposed animal or vegetable matter. Analysis of a sample of the concentrated water by said bureau showed that it contained 44.652 grams of magnesium sulphate ( $MgSO_4$ ), 75.644 grams of sodium sulphate ( $Na_2SO_4$ ), 0.109 gram of calcium sulphate ( $CaSO_4$ ), and 122.638 grams of total solids per liter, respectively.

Adulteration of the article was charged in the indictment for the reason that it consisted in whole or in part of a filthy and decomposed animal or vegetable substance.

Misbranding was alleged with respect to the concentrated water for the reason that the statements, to wit, "West Baden Concentrated Spring Water \* \* \* Renders excellent service in all nutritional disturbances such as Gout, Rheumatism \* \* \* Diabetes, Obesity," borne on the labels on the bottles

containing the article, regarding the therapeutic or curative effects of the said article, falsely and fraudulently represented it to be effective as a treatment, remedy, and cure for all nutritional disturbances such as gout, rheumatism, diabetes, and obesity, whereas, in truth and in fact, it was not. Misbranding was alleged with respect to the said concentrated water for the further reason that the following statements borne on the said bottles, regarding the article and the ingredients and substances contained therein, to wit, "Parts per 1000. Magnesium sulphate, 31,900 Sodium sulphate, 51,900 \* \* \* Calcium sulphate, 2,080 \* \* \* Total solids, 88,818 From a sanitary standpoint, the water was excellent," were false and misleading in that the said statements represented that the article contained 31,900 parts, to wit, grams of magnesium sulphate, 51,900 parts, to wit, grams of sodium sulphate, 2,080 parts, to wit, grams of calcium sulphate, and 88,818 parts, to wit, grams of total solids per liter, respectively, and that it was sanitary and free from impurities, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained 31,900 parts, to wit, grams of magnesium sulphate, 51,900 parts, to wit, grams of sodium sulphate, 2,080 parts, to wit, grams of calcium sulphate, and 88,818 parts, to wit, grams of total solids per liter, respectively, and that it was sanitary and free from impurities, whereas, in truth and in fact, the said article did not contain the said ingredients and total solids in the quantities specified, but did contain 44,652 grams of magnesium sulphate, 75,644 grams of sodium sulphate, 0.109 grams of calcium sulphate, and 122.638 grams of total solids per liter, respectively, and the said article was impure and insanitary and contained, among other impurities, filthy animal fecal matter.

Misbranding was alleged with respect to the natural water for the reason that the designation, to wit, "Sprudel Water," borne on the bottles containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that the said article was not sprudel water, and for the further reason that the said designation, to wit, "Sprudel Water," was applied to the article so as to deceive and mislead the purchaser into the belief that it was distinctive sprudel water, whereas, in truth and in fact, it was not sprudel water but was a contaminated native water. Misbranding was alleged for the further reason that the guaranty legend and serial number, to wit, "Guaranteed By The West Baden Springs Co. Under The Food And Drugs Act, June 30, 1906, Serial No. 9857," borne on the said bottles, was a misleading statement and device which implied that the United States Government guaranteed the article to be as labeled, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the United States Government indorsed and impliedly guaranteed the said article and its labeling, whereas, in truth and in fact, no such implied guaranty of the article existed or was authorized by the United States Government. Misbranding was alleged for the further reason that the article was a native American water prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, sprudel water. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package. Misbranding was alleged with respect to the said natural water for the further reason that the statements, to wit, "Boas (In Deutsche Medicinische Wochenschrift) says: 'The Sodium Chloride Springs are suitable for patients with reduced or lacking production of hydrochloric acid and so much the more, the more surely the objective condition can be referred to a chronic catarrh.' In the West Baden Springs Water the per cent of Sodium Chloride varies from 26.8% in the weakest to 36.8% in the strongest," borne on the said bottle labels, regarding the therapeutic or curative effects of the said article, falsely and fraudulently represented the said article to be effective as a treatment, remedy, or cure for chronic catarrh, whereas, in truth and in fact, it was not.

On January 29, 1923, a plea of guilty to the indictment was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11621. Misbranding of olive oil. U. S. v. 2 Cases of Olive Oil. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 15311. I. S. No. 15412-t. S. No. E-3535.)**

On August 6, 1921, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the



District Court of the United States for said district a libel praying the seizure and condemnation of 2 cases of olive oil, remaining in the original unbroken packages at Pittston, Pa., alleging that the article had been shipped by the Rome Importing Co., New York, N. Y., on or about February 18, 1921, and transported from the State of New York into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Olio d'Oliwa Sopraffino Garantito Puro \* \* \* Marca Angelo \* \* \* One Gallon \* \* \* Rome Importing Co. \* \* \* N. Y., U. S. A."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "One Gallon," appearing on the tin containers of the said article, was false and misleading and deceived and misled the purchaser, since the said tins contained less than 1 gallon of the article. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the said containers, since the statement, "One Gallon," was not correct.

On June 19, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the phrase, "One Gallon," be obliterated from the labeling and the product sold by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11622. Adulteration of cereal shorts. U. S. v. 50 Sacks of Cereal Shorts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16878. I. S. No. 10055-v. S. No. C-3825.)**

On October 18, 1922, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 sacks of cereal shorts at Morrilton, Ark., alleging that the article had been shipped by the Schreiber Flour & Cereal Co., Kansas City, Mo., on or about September 23, 1922, and transported from the State of Missouri into the State of Arkansas, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Tags) "Fancy Grey Cereal Shorts Guaranteed Analysis \* \* \* Ingredients: Wheat Shorts, Low Grade Flour and Corn Shorts. Maximum 8% Screenings. Manufactured By Schreiber Flour & Cereal Co. Kansas City, Mo."

Adulteration of the article was alleged in the libel for the reason that a mixture of ground bran and flour had been mixed and packed with and substituted wholly or in part for the said article, and for the further reason that it was mixed in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Fancy Grey Cereal Shorts," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article.

On March 24, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11623. Adulteration and misbranding of vinegar. U. S. v. 65 Barrels of Vinegar. Consent decree ordering release of product under bond. (F. & D. No. 16881. I. S. No. 2542-v. S. No. E-4197.)**

On October 10, 1922, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 65 barrels of vinegar, remaining in the original unbroken packages at Ashley, Pa., alleging that the article had been shipped by the Powell Corp., Canandaigua, N. Y., on or about September 6, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Pure Cider Vinegar Made From Apples Reduced To 4% \* \* \* Man'fd By The Powell Corp. Canandaigua, N. Y."

Adulteration of the article was alleged in the libel for the reason that distilled vinegar had been mixed and packed therewith so as to reduce and lower

and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the labels of the barrels containing the article, "Pure Cider Vinegar Made From Apples," was false and misleading and deceived and misled the purchaser thereof. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, pure cider vinegar made from apples.

On April 24, 1923, the Powell Corp., Canandaigua, N. Y., claimant, having consented to the entry of a decree, it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that the said product be relabeled as follows: "Cider Vinegar and Distilled Vinegar Reduced to 4% Acidity."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11624. Adulteration of shell eggs. U. S. v. James R. Bever. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 16968. I. S. No. 5113-r.)**

On February 24, 1923, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James R. Bever, Gentry, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about September 6, 1922, from the State of Arkansas into the State of Missouri, of a quantity of shell eggs which were adulterated. The article was labeled in part: "From J. R. Bever Co. \* \* \* Gentry, Arkansas."

Examination by the Bureau of Chemistry of this department of the 360 eggs in the consignment showed that 66, or 18 per cent of the total, were inedible eggs, consisting of black rots, mixed or white rots, blood rings, and moldy eggs.

Adulteration of the article was alleged in the information for the reason that it consisted in whole or in part of a filthy and decomposed and putrid animal substance.

On March 5, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$10 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11625. Adulteration and misbranding of vinegar. U. S. v. Barney C. Bates and John D. Bates (Ozark Fruit Co.). Pleas of guilty. Fine, \$40 and costs. (F. & D. No. 17065. I. S. Nos. 1814-t, 1815-t.)**

On March 2, 1923, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Barney C. Bates and John D. Bates, theretofore copartners, trading as Ozark Fruit Co., Ft. Smith, Ark., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about March 25, 1922, from the State of Arkansas into the State of Oklahoma, of a quantity of vinegar which was adulterated and misbranded. The article was labeled in part: "Eagle Brand \* \* \* One Pint 9 Oz. Grain And Sugar Vinegar Compound Output Controlled By Ozark Fruit Company, Inc. Sales Division Little Rock, Ark. U. S. A."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it was a caramel colored distilled vinegar, deficient in acid strength.

Adulteration of the article was alleged in the information for the reason that an artificially colored distilled vinegar, deficient in acid strength, had been substituted in whole or in part for grain and sugar vinegar compound which the said article purported to be. Adulteration was alleged for the further reason that the article was a distilled vinegar, deficient in acid strength, an article inferior to grain and sugar vinegar compound, and was artificially colored with caramel so as to simulate the appearance of and in a manner whereby its inferiority to said grain and sugar vinegar compound was concealed.

Misbranding was alleged for the reason that the statement, to wit, "Grain And Sugar Vinegar Compound," borne on the labels attached to the bottles containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that the said statement repre-



sented that the article was grain and sugar vinegar compound, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was grain and sugar vinegar compound, whereas, in truth and in fact, it was not but was an artificially colored distilled vinegar, deficient in acid strength. Misbranding was alleged for the further reason that the article was an artificially colored distilled vinegar, deficient in acid strength, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, grain and sugar vinegar compound.

On April 30, 1923, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate amount of \$40 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture*

**11626. Misbranding of butter. U. S. v. Spearfish Cooperative Creamery Co., a Corporation. Plea of guilty. Fine, \$50. (F. & D. No. 17128. I. S. No. 7523-v.)**

On or about April 2, 1923, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Spearfish Cooperative Creamery Co., a corporation, Spearfish, S. Dak., alleging shipment by said company, in violation of the Food and Drugs Act, on or about July 31, 1922, from the State of South Dakota into the State of Wyoming, of a quantity of butter which was misbranded. The article was labeled in part: "One Pound Net Golden Valley Butter \* \* \* Spearfish Cooperative Creamery Co. Spearfish, S. Dakota."

Examination by the Bureau of Chemistry of this department of 100 packages of the product showed that the average net weight of the said packages was 15.12 ounces.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "One Pound Net," borne on the packages containing the said article, regarding the article, was false and misleading in that the said statement represented that each of the said packages contained 1 pound net of the article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said packages contained 1 pound net of the article, whereas, in truth and in fact, each of the said packages did not contain 1 pound net of the said article but did contain a less amount.

On May 23, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11627. Adulteration of canned salmon. U. S. v. 1,920 Cases, et al., of Canned Salmon. Consent decrees of condemnation and forfeiture. Product released for reshipment and reexamination under bond. (F. & D. Nos. 17170, 17171, 17172, 17180, 17229. I. S. Nos. 189-v, 253-v, 254-v, 256-v. S. Nos. E-4268, E-4270, E-4284, E-4299.)**

On January 18, January 22, and February 7, 1923, respectively, the United States attorney for the Eastern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 3,089 cases of canned salmon, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Warren Packing Co., from Portland, Oreg., in various consignments, namely, on or about July 19, July 26, August 2, September 12, and September 19, 1922, respectively, and transported from the State of Oregon into the State of New York, and charging adulteration in violation of the Food and Drugs Act. A portion of the article was labeled in part: (Cases) "Bluebacks 48 8 Oz. One Half Cans." A second portion of the said article was labeled in part: (Cans) "Fresh Columbia River \* \* \* Spring Catch Contents 8 Ounces Salmon \* \* \* Warren Packing Company, Distributors Cathlamet, Wash. Warrendale, Ore." The remainder of the said article was labeled in part: (Cans) "Fancy Columbia River Blue Back \* \* \* Spring Catch Contents 8 Ounces Salmon \* \* \* Warren Packing Company, Distributors Cathlamet, Wash. Warrendale, Ore."

Adulteration of the article was alleged in the libels for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On April 10, 1923, the Warren Packing Co., claimant, having admitted the allegations of the libels and consented to the entry of decrees of condemnation

and forfeiture, it was ordered by the court that the product be delivered to the said claimant upon the execution of bonds in the aggregate sum of \$15,875, in conformity with section 10 of the act, conditioned in part that it be re-shipped to the factory of the claimant at Portland, Oreg., to be reexamined and reconditioned under the supervision of this department, the bad portion destroyed and the good portion released to the claimant. It was further ordered by the court that, in the event the reconditioning did not result in the complete elimination of the objectionable salmon, the entire lot be destroyed.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11628. Adulteration of walnut meats. U. S. v. 2½ Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17218. I. S. No. 8161-v. S. No. W-1301.)**

On February 9, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2½ cases of walnut meats, remaining unsold in the original unbroken packages at Denver, Colo., consigned by Max Part, Los Angeles, Calif., alleging that the article had been shipped from Los Angeles, Calif., on or about November 29, 1922, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy, decomposed, and putrid vegetable substance.

On March 19, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11629. Adulteration of walnut meats. U. S. v. 4 Cases of Walnut Meats. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17219. I. S. No. 8162-v. S. No. W-1304.)**

On February 9, 1923, the United States attorney for the District of Colorado, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 4 cases of walnut meats, remaining unsold in the original unbroken packages at Denver, Colo., consigned by the Sanitary Nut Shelling Co., Los Angeles, Calif., alleging that the article had been shipped on or about December 29, 1922, and transported from the State of California into the State of Colorado, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was alleged in the libel for the reason that it consisted wholly or in part of a filthy and decomposed vegetable substance.

On April 30, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11630. Misbranding of oil. U. S. v. 3 Cases, et al., of Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 15012. I. S. Nos. 6622-t, 6623-t. S. No. E-3377.)**

On June 17, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 3 cases, each containing gallon cans, and ½ case, containing half-gallon cans, of oil, remaining unsold in the original unbroken packages at Paterson, N. J., alleging that the article had been shipped by Abraham Gash, New York, N. Y., on or about May 19, 1921, and transported from the State of New York into the State of New Jersey, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "(Cans) 'Extra Oil Quality \* \* \* The Italian Cook Brand \* \* \* Net Contents 1 Gall.' (or 'Net Contents ½ Gall.').

Misbranding of the article was alleged in the libel for the reason that the statements, to wit, "Net Contents 1 Gall." and "Net Contents ½ Gall." borne on the respective-sized cans containing the said article, regarding the net quantity of the article contained therein, were false and misleading and deceived and misled the purchaser, since the said cans contained less than one gallon net and one-half gallon net, respectively. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.



On June 21, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11631. Adulteration and misbranding of compound oil. U. S. v. 50 Cans of Oil. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 15158. I. S. No. 7049-t. S. No. E-3593.)

On October 11, 1921, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 50 alleged gallon cans of oil at Jersey City, N. J., alleging that the article had been shipped by B. Mayer, New York, N. Y., on or about June 23, 1921, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "High Grade Oil Medaglia D'Oro Brand" (pictorial representations of olive branches, Italian medals, a mounted Italian soldier, and an Italian city) "Re d'Italia MB Preparato Per Salse Fritture Insalatae Qualsiasi Altro Uso Di Tavola E Cucina Specially Prepared For Salads Frying Cooking Mayonnaise And For All Dressing;" (in inconspicuous type) "Vegetable Salad Oil Slightly Flavored With Pure Olive Oil A Compound Net Contents One Gallon \* \* \* Packed By B. Mayer New York."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, cottonseed oil containing no appreciable amount, if any, olive oil, had been substituted wholly or in part for Medaglia D'Oro Brand Re d'Italia high grade oil, to wit, olive oil, which the said article purported to be, and for the further reason that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength.

Misbranding was alleged in substance for the reason that the statements, to wit, "High Grade Oil Medaglia D'Oro Brand," and the pictorial representation of olive branches, Italian medals, mounted Italian soldier, and an Italian city, borne and labeled on the cans containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements and designs represented the article to be Medaglia D'Oro Brand Re d'Italia high grade oil, to wit, olive oil made in Italy, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil made in Italy, whereas, in truth and in fact, it was not an Italian-made olive oil but was a product made in the United States of America and was composed wholly or practically wholly of cottonseed oil and contained no determinable amount, if any, olive oil. Misbranding was alleged for the further reason that the article was composed practically wholly of cottonseed oil, containing no appreciable amount, if any, olive oil, and was an imitation of another article, to wit, olive oil, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the stated quantity, to wit, "Net Contents One Gallon," was incorrect and represented more than the actual contents of the package.

On June 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11632. Adulteration and misbranding of oil. U. S. v. 17 Cans, et al., of Oil. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16625. I. S. Nos. 7109-t, 7110-t, 7111-t. S. No. E-3988.)

On June 26, 1922, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 46 cans of oil at Newark, N. J., alleging that the article had been shipped by B. Mayer, New York, N. Y., on or about April 21, 1922, and transported from the State of New York into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "High Grade Oil Medaglia D'Oro Brand \* \* \* Re d'Italia \* \* \* Net Contents One Gallon" (or "Contents  $\frac{1}{2}$  Gallon" or "Contents  $\frac{1}{4}$  Gallon").

Adulteration of the article was alleged in the libel for the reason that an oil or oils other than olive had been substituted wholly or in part for the said article and had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality or strength.

Misbranding was alleged for the reason that the label bore a statement, design, or device regarding the article or the ingredients or substances contained therein, as follows, "High Grade Oil Medaglia D'Oro Brand Re d'Italia," together with the designs of a medal apparently of foreign origin, a cut showing an Italian soldier on horseback in foreground, and a conventional design of olive branches with background showing an Italian scene, and the statements, "Net Contents 1 Quart [Contents  $\frac{1}{2}$  Gallon]," "Contents  $\frac{1}{2}$  Gallon," and "Contents One Gallon," as the case might be, which were false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package, since the statement made was not correct.

On June 28, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11633. Adulteration of chloroform. U. S. v. 6 Tins of Chloroform. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16664. S. No. E-4076.)**

On July 25, 1922, the United States attorney for the Middle District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 6 tins of chloroform, remaining unsold in the original unbroken packages at Athens, Pa., alleging that the article had been shipped from New York on or about June 5, 1922, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform \* \* \* For Anesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid instead of clear, upon evaporation it left a foreign odor, and it contained chlorid, impurities decomposable by sulphuric acid, odorous decomposition products, and chlorinated decomposition products.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name, to wit, chloroform, which is recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of the investigation.

On June 19, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11634. Adulteration and misbranding of canned sauerkraut. U. S. v. 9 Cases of Sauerkraut. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17146. I. S. No. 238-v. S. No. E-4276.)**

On January 16, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cases, each containing 24 cans of sauerkraut, at Passaic, N. J., alleging that the article had been shipped by the W. H. Killian Co., Baltimore, Md., on or about November 15, 1922, and transported from the State of Maryland into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Killian's Kuality \* \* \* Sauer Kraut Contents 2 Lb. \* \* \* Packed By W. H. Killian Co. Baltimore, U. S. A."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive brine, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in whole or in part for sauerkraut which the said article purported to be.



Misbranding was alleged for the reason that the package or label bore a statement, design, and device, regarding the said article and the ingredients and substances contained therein, to wit, "Kuality \* \* \* Sauer Kraut Contents 2 Lb.," together with a design showing a whole cabbage, which were false and misleading and deceived and misled the purchaser.

On June 21, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11635. Adulteration and misbranding of frozen eggs. U. S. v. 59 Cans, et al., of Frozen Eggs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17184. I. S. No. 261-v. S. No. E-4285.)**

On January 19, 1923, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 59 30-pound cans, 6 60-pound cans, 13 50-pound cans, and 102 35-pound cans of frozen eggs at Jersey City, N. J., alleging that the article had been shipped by the Eastern States Refrigerating Co., Montclair, Md., on or about December 8, 1922, and transported from the State of Maryland into the State of New Jersey, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

Misbranding was alleged for the reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 21, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11636. Adulteration and misbranding of canned shrimp. U. S. v. 100 Cases of Canned Shrimp. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 17216. I. S. No. 231-v. S. No. E-3249.)**

On February 2, 1923, the United States attorney for the Eastern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 100 cases of canned shrimp, remaining unsold in the original unbroken packages at Brooklyn, N. Y., alleging that the article had been shipped by the Waldmeier Packing Co., from New Orleans, La., on or about October 25, 1922, and transported from the State of Louisiana into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Cans) "Bull Dog Brand \* \* \* Barataria Shrimp \* \* \* Contents 5 3/4 Ozs. Wet Pack Packed By Waldmeier Packing Co. New Orleans, La."

Adulteration of the article was alleged in the libel for the reason that water or brine had been mixed and packed with and substituted in whole or in part for the said article.

Misbranding was alleged for the reason that the statement appearing on the label of the cans containing the article, "Shrimp \* \* \* Contents 5 3/4 Ozs.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 24, 1923, the H. C. Bohack Co., Inc., Brooklyn, N. Y., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act, conditioned in part that it be relabeled "Slack Filled. A can of this size should contain 5 3/4 oz. cut-out weight of shrimp. This can actually contains 4 2/3 ozs. of shrimp."

HOWARD M. GORE, *Acting Secretary of Agriculture.*

11637. Adulteration of olive oil. U. S. v. Achille Joannidi and Louise Joannidi (A. Joannidi & Co.). Pleas of guilty. Fine, \$100. (F. & D. No. 17234. I. S. Nos. 3584-t, 3585-t, 3586-t, 6036-t.)

On May 28, 1923, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Achille Joannidi and Louise Joannidi, copartners, trading as A. Joannidi & Co., New York, N. Y., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, in two consignments, namely, on or about October 13 and 25, 1921, from the State of New York into the States of Pennsylvania and Minnesota, respectively, of quantities of olive oil, a portion of which was adulterated and misbranded and the remainder of which was misbranded. The article was labeled in part: (Cans) "Pure Olive Oil Horse Shoe Brand Guaranteed \* \* \* Packed By A. Joannidi, N. Y. 1 Gallon Net" (or " $\frac{1}{4}$  Gallon Net" or " $\frac{1}{2}$  Gallon Net") \* \* \* \* Excellent For Table And Medicinal Use."

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the product involved in the consignment into Pennsylvania was a mixture of cottonseed oil and a small quantity of olive oil. Examination of the article from this consignment by said bureau showed that 5 of the gallon cans averaged 0.96 gallon. Examination of the article involved in the consignment into Minnesota showed that 10 of the quarter gallon cans averaged 0.96 quart, 24 of the half-gallon cans averaged 0.48 gallon, and 10 of the gallon cans averaged 0.95 gallon.

Adulteration of the article involved in the consignment of October 13, 1921, into Pennsylvania, was alleged for the reason that a substance, to wit, cottonseed oil, had been substituted in whole or in part for olive oil which the article purported to be. Adulteration of the said portion of the article, considered as a drug, was alleged for the further reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation, in that the said Pharmacopœia provides that olive oil shall be derived from the ripe fruit of *Olea europœa*, whereas the said article was derived from cotton seed, and the standard of the strength, quality, and purity of the article was not declared on the container thereof.

Misbranding of the portion of the article involved in the consignment of October 13, 1921, into Pennsylvania, was alleged for the reason that the statements, to wit, "Pure Olive Oil" and "This Pure Olive Oil Is Guaranteed Under Any Chemical Analysis In Accordance With The Law Of The United States For The Imported Products," borne on the cans containing the said portion of the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article was olive oil, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was olive oil, whereas, in truth and in fact, it was not olive oil but was a product composed in whole or in part of cottonseed oil. Misbranding was alleged with respect to the said portion of the article for the further reason that it was a product composed in whole or in part of cottonseed oil, prepared in imitation of and offered for sale and sold under the distinctive name of another article, to wit, olive oil, and for the further reason that the statements borne on the said cans purported the article to be a foreign product when not so.

Misbranding was alleged with respect to all of the said product for the reason that the statements, to wit, "1 Gallon Net," " $\frac{1}{2}$  Gallon Net," and " $\frac{1}{4}$  Gallon Net," as the case might be, borne on the respective-sized cans containing the article, were false and misleading in that the said statements represented that each of the said cans contained one gallon net, one-half gallon net, or one-quarter gallon net, as the case might be, of the said article, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained one gallon net, one-half gallon net, or one-quarter gallon net, as the case might be, of the article, whereas, in truth and in fact, each of said cans did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the cans.



On June 4, 1923, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$100.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11638. Misbranding of Fernet De Vecchi. U. S. v. 15 Cases, et al., of Fernet De Vecchi. Decrees of condemnation and forfeiture. Product released under bond.** (F. & D. Nos. 17456, 17457, 17458. I. S. Nos. 1745-v, 1746-v. S. Nos. E-4356, E-4357.)

On April 16, 1923, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying the seizure and condemnation of 49 cases, each containing 24 bottles of Fernet De Vecchi, remaining in the original unbroken packages at Boston, Mass., alleging that the article had been shipped by the Banfi Co., Inc., New York, N. Y., in part on or about March 8 and in part on or about March 9, 1923, and transported from the State of New York into the State of Massachusetts, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that the product consisted essentially of alcohol, water, a trace of an iron compound, and extractives from plant drugs including a laxative drug and small amounts of alkaloids.

Misbranding of the article was alleged in the libels for the reason that the following statements appearing on the bottle containing the said article and in the circular accompanying the same, regarding the article and the ingredients and substances contained therein, to wit, (bottle and circular) "digestive \* \* \* antifebrile \* \* \* anticholeraic \* \* \* recommended for people suffering from irritable nerves, lack of appetite, nausea, worms," (circular) "has the property of curing biliousness, giddiness and bad digestion," were false and fraudulent in that the said article did not contain any ingredient or combination of ingredients capable of producing the curative and therapeutic effects claimed.

On May 4 and June 19, 1923, the Banfi Co., Inc., New York, N. Y., having appeared as claimant for respective portions of the property and having filed satisfactory bonds in conformity with section 10 of the act, judgment of condemnation was entered, and it was ordered by the court that the product might be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11639. Misbranding of butter. U. S. v. 685 Pounds of Butter. Decree of condemnation and forfeiture. Product released under bond.** (F. & D. No. 17538. I. S. No. 2732-v. S. No. E-4400.)

On or about May 21, 1923, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 685 pounds of butter, remaining in the original unbroken packages at Philadelphia, Pa., consigned by the Carolina Butter Co., Charlotte, N. C., alleging that the article had been shipped from Charlotte, N. C., on or about May 8, 1923, and transported from the State of North Carolina into the State of Pennsylvania, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Mecko Brand Mecklenburg Dairy Co., Charlotte, N. C. One Pound Net \* \* \* Pure Creamery Butter."

Misbranding of the article was alleged in substance in the libel for the reason that the retail package containing the article bore the statement, "One Pound Net," which was false and misleading in that the said statement represented that the said package contained 1 pound net of the said article, when in fact it did not. Misbranding was alleged for the further reason that the article was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 7, 1923, the R. A. Bowers Co., Philadelphia, Pa., having appeared as claimant for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, in conformity with section 10 of the act, conditioned in part that it be reworked under the supervision of this department.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11640. Adulteration of shell eggs. U. S. v. Tucker Mercantile Co., a Corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 11346. I. S. Nos. 7536-r, 7537-r, 7539-r.)**

On December 15, 1919, the United States attorney for the Northern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Tucker Mercantile Co., a corporation, Knox City, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, in various consignments, namely, on or about July 5, 7, and 14, 1919, respectively, from the State of Texas into the State of Oklahoma, of quantities of shell eggs which were adulterated. The article was labeled in part: "From Tucker Mercantile Co., Knox City, Texas."

Examination by the Bureau of Chemistry of this department of 360 eggs from each of the consignments showed that 70, 28, and 180, respectively, or 19.44, 7.77, and 50 per cent. respectively, of those examined, were inedible eggs, consisting of black rots, mixed or white rots, moldy eggs, spot rots, and blood rings.

Adulteration of the article was alleged in the information for the reason that it consisted in part of a filthy, decomposed, and putrid animal substance.

On April 2, 1923, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$100 and costs.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11641. Adulteration of coal-tar color. U. S. v. 2 Cans of Red Coal-Tar Color. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 14630. I. S. Nos. 2330-t, 2331-t. S. No. E-3176.)**

On March 15, 1921, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 2 cans of red coal-tar color at Carnegie, Pa., alleging that the article had been shipped by the W. B. Wood Mfg. Co., from St. Louis, Mo., on or about February 25, 1921, and transported from the State of Missouri into the State of Pennsylvania, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Cans) "2 Lbs. Net Manufacturing Chemists W. B. Wood Mfg. Co. The House of Quality St. Louis, Mo. Importers Of Colors Complies With All Requirements Warranted Quality Color Buy The Original Buy Them From The Importer Number 112" (or "Number 10") "Contents Red."

Adulteration of the article was alleged in the libel for the reason that sodium sulphate and sodium chlorid had been mixed and packed with and substituted fully or in part for the said article. Adulteration was alleged for the further reason that it contained an added poisonous or deleterious ingredient, arsenic, which might render it injurious to health.

On June 26, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11642. Misbranding of ox feed. U. S. v. James Byron Tutt (J. B. Tutt Grain Co.). Plea of nolo contendere. Fine, \$25. (F. & D. No. 14747. I. S. No. 10531-r.)**

On September 19, 1921, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against James Byron Tutt, trading as J. B. Tutt Grain Co., Meridian, Miss., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about March 11, 1920, from the State of Mississippi into the State of Alabama, of a quantity of ox feed which was misbranded. The article was labeled in part: "100 Pounds 'Oxlife' Cow And Ox Feed Manufactured By J. B. Tutt Grain Company Meridian, Mississippi Guaranteed Analysis Crude Fat 2.00 3.00 per cent. Protein 9.00 10.00 per cent. \* \* \* Crude Fibre, not over 26.00 30.84 per cent."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it contained 1.47 per cent of ether extract (crude fat), 8.63 per cent of crude protein, and 35.13 per cent of crude fiber.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Guaranteed Analysis Crude Fat 2.00 \* \* \* per cent. Protein 9.00 \* \* \* per cent. \* \* \* Crude Fibre, not over



26.00 \* \* \* per cent," borne on the tags attached to the sacks containing the article, regarding the said article and the ingredients and substances contained therein, were false and misleading in that the said statements represented that the article contained not less than 2 per cent of fat, not less than 9 per cent of protein, and not more than 26 per cent of crude fiber, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 2 per cent of crude fat, not less than 9 per cent of protein, and not more than 26 per cent of crude fiber, whereas, in truth and in fact, it did contain less than 2 per cent of fat, 9 per cent of protein, and more than 26 per cent of crude fiber, to wit, 1.47 per cent of crude fat, approximately 8.63 per cent of protein, and 35.13 per cent of crude fiber.

On September 18, 1922, the defendant entered a plea of *nolo contendere* to the information, and the court imposed a fine of \$25.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11643. Misbranding [adulteration] of chloroform. U. S. v. 190 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16551. S. No. C-3682.)

On July 3, 1922, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 190 cans of chloroform at Cincinnati, Ohio, consigned on or about March 6, 1922, alleging that the article had been shipped from New York, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform \* \* \* For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid instead of clear, upon evaporation it left a foreign odor, and it contained hydrochloric acid, impurities decomposable by sulphuric acid, and chlorinated decomposition compounds.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia.

On November 18, 1922, no claimant having appeared for the property, judgment of the court was entered finding the material allegations of the libel to be true and the product to be misbranded, and ordering that it be condemned and forfeited and destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11644. Misbranding [adulteration] of chloroform. U. S. v. 44 Cans of Chloroform. Default decree of condemnation, forfeiture, and destruction.** (F. & D. No. 16622. I. S. No. 2523-t. S. No. C-3700.)

On July 14, 1922, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 44 cans of chloroform at Hamilton, Ohio, consigned April 11, 1922, alleging that the article had been shipped from New York, N. Y., and transported from the State of New York into the State of Ohio, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Chloroform \* \* \* For Anaesthesia."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it was turbid instead of clear and it contained chlorinated decomposition compounds.

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia.

On November 18, 1922, no claimant having appeared for the property, judgment of the court was entered finding the material allegations of the libel to be true and the product to be misbranded and ordering that it be condemned and forfeited and destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11645. Adulteration and misbranding of canned shrimp. U. S. v. 8 Cases of Canned Shrimp. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16737. I. S. No. 1501-v. S. No. E-4122.)**

On August 11, 1922, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 8 cases of canned shrimp, remaining unsold in the original unbroken packages at Norwich, Conn., alleging that the article had been shipped by the Acme Packing Co., Apalachicola, Fla., on or about March 25, 1922, and transported from the State of Florida into the State of Connecticut, and charging adulteration and misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: "Harbor Brand \* \* \* Fancy Shrimp Packed By Acme Packing Co. Apalachicola, Florida. \* \* \* Net Contents 5½ Oz."

Adulteration of the article was alleged in the libel for the reason that excessive brine had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

Misbranding was alleged in substance for the reason that the labels on the cases containing the article bore the following statement, designs, words, and devices, "Fancy Shrimp \* \* \* Net Contents 5½ Oz," which were misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was an imitation of and offered for sale under the distinctive name of another article, to wit, canned shrimp, and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On May 29, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11646. Misbranding of crab meat. U. S. v. Oreste Volpini (O. Volpini & Co.). Plea of guilty. Fine, \$15. (F. & D. No. 16944. I. S. Nos. 18258-t, 18260-t, 18262-t.)**

On February 28, 1923, the United States attorney for the Southern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Oreste Volpini, trading as O. Volpini & Co., Biloxi, Miss., alleging shipment by said defendant, in violation of the Food and Drugs Act, as amended, in various consignments, namely, on or about June 2, 6, and 7, 1922, respectively, from the State of Mississippi into the State of Texas, of quantities of crab meat which was misbranded. The article was contained in cans, a portion of which were packed in barrels which were labeled in part: "From O. Volpini & Company Box 276, Biloxi, Miss." The cans containing the article were unlabeled.

Misbranding of the article was alleged in the information for the reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 11, 1923, the defendant entered a plea of guilty to the information, and the court imposed a fine in the sum of \$15.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11647. Adulteration and misbranding of canned salmon. U. S. v. 553 Cases of Canned Salmon. Default decree of condemnation, forfeiture, and destruction. Product released under bond to game warden for fish food in lieu of destruction. (F. & D. No. 17020. I. S. No. 7889-v. S. No. W-1253.)**

On December 14, 1922, the United States attorney for the District of Oregon, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 553 cases of canned salmon, remaining in the original unbroken packages at Astoria, Oreg., alleging that the article had been shipped by J. G. Megler & Co., from Brookfield, Wash., on or about December 4, 1922, and transported from the State of Washington into the State of Oregon, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Woody Island Brand \* \* \* Packed By Brookfield Packing Co. Brookfield, Wash. \* \* \* Choice Columbia River Pink Salmon."



Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance. Adulteration was alleged for the further reason that filthy, decomposed, and putrid Coho salmon had been substituted for pink salmon of good commercial quality.

Misbranding was alleged for the reason that the statement, "Pink Salmon," appearing in the labeling, was false and misleading and deceived and misled the purchaser when applied to a product composed wholly or in part of Coho salmon.

On March 16, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal. On June 2, 1923, an order was entered by the court that the product be delivered to the State Game Warden, under bond, conditioned that it be used as fish food in the fish hatcheries.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11648. Misbranding [adulteration] of shell eggs. U. S. v. 376 Cases of Shell Eggs. Decree ordering release of product under bond. (F. & D. No. 17222. I. S. No. 1460-v. S. No. E-4302.)**

On or about February 5, 1923, the United States attorney for the Eastern District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 376 cases of shell eggs, remaining unsold in the original packages at Norfolk, Va., alleging that the article had been shipped by the Eastern States Refrigerating Co., from Hoboken, N. J., on or about December 5, 1922, and transported from the State of New Jersey into the State of Virginia, and charging adulteration in violation of the Food and Drugs Act.

It was alleged in substance in the libel that the said shell eggs were adulterated in violation of section 7 of the Food and Drugs Act, in that they were ammoniated.

On April 16, 1923, the consignor of the product having authorized delivery thereof to the Puritan Tanners Egg Yolk Mfg. Co., judgment of the court was entered finding the product to be misbranded [adulterated], and it was ordered by the court that it be delivered to the said Puritan Tanners Egg Yolk Mfg. Co. upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,000, in conformity with section 10 of the act.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11649. Misbranding of olive oil. U. S. v. 18 Cases of Olive Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 17262. I. S. No. 4443-v. S. No. C-3881.)**

On February 8, 1923, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 18 cases of olive oil at Cincinnati, Ohio, consigned by the Garibaldi Co., Chicago, Ill., on or about November 11, 1922, alleging that the article had been shipped from Chicago, Ill., and transported from the State of Illinois into the State of Ohio, and charging misbranding in violation of the Food and Drugs Act, as amended. The article was labeled in part: (Bottle) "Extra Cyrilla Imported Olive Oil Net 2 Fluid Oz. The Garibaldi Co. Chicago."

Misbranding of the article was alleged in the libel for the reason that the statement, "Net 2 Fluid Oz.," was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was [food] in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On June 15, 1923, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*

**11650. Misbranding of Dr. Link's Golden tonic. U. S. v. 25 Bottles of Alleged Dr. Link's Golden Tonic. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 16489. S. No. C-3663.)**

On July 5, 1922, the United States attorney for the District of Kansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and

condemnation of 25 bottles of Dr. Link's Golden tonic at Wichita, Kans., alleging that the article had been shipped by the Dr. Link's Medicine Co., from Dallas, Tex., on or about May 9, 1922, and transported from the State of Texas into the State of Kansas, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted of approximately 39 per cent of Epsom salt, 1 per cent of nitric acid, 1.5 per cent of potassium citrate, 4 per cent of iron sulphate, and 54 per cent of water.

Misbranding of the article was alleged in substance in the libel for the reason that the following statements regarding the therapeutic or curative effects of the said article, appearing on the labels of the bottles and cartons containing the said article and in the accompanying circular, to wit, (bottle and carton) "Anti-Malaria For Chills, Periodic Fever, Any Form of Malaria, Yellow Eyes, Sallow Complexion, Dyspepsia, Indigestion, Eczema, Eruptions upon the Skin, Kidney Trouble, Dropsy, Female Troubles, Irregularities \* \* \* Headache, Boils, Old Sores, Blood Taint, Rheumatism, Biliousness, Syphilis, \* \* \* Sour Stomach \* \* \* Weakness in Men and Women \* \* \* Bed Wetting," (circular) "not even tubercular or consumptive germs can make progress in pure blood. \* \* \* Broken down manhood and womanhood \* \* \* cured of Rheumatism, Lagrippe, Stomach, Liver, Kidney and Female Diseases \* \* \* Has cured influenza and La Grippe and will prevent these and other diseases," were false and fraudulent in that the said statements were applied to the article knowingly and in reckless and wanton disregard of their truth or falsity so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of such purchasers the impression and belief that the article was in whole or in part composed of or contained ingredients or combination of ingredients capable of producing the effects claimed, whereas, in truth and in fact, it was not.

On March 12, 1923, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HOWARD M. GORE, *Acting Secretary of Agriculture.*



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